

City of Carmel

Common Council

**August 21, 2006
6:00 P.M.**

COMMON COUNCIL MEETING AGENDA

MONDAY, AUGUST 21, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
 - a. August 7, 2006 Regular Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
 - Payroll
 - General Claims
 - Retirement
9. COMMITTEE REPORTS
 - a. Finance, Administration and Rules Committee
 - b. Land Use, Annexation and Economic Development Committee
 - c. Parks, Recreation and Arts Committee
 - d. Utilities, Transportation and Public Safety Committee

10. OLD BUSINESS

- a. **Second Reading of Ordinance D-1814-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Supplementing and Amending Ordinance No. D-1735-04, Adopted by the Common Council on December 20, 2004, Authorizing the Issuance of Waterworks Revenue Bonds, and the Issuance of Bond Anticipation Notes for the Purpose of Financing the Construction of Additions and Improvements to the Carmel Waterworks (\$35,000,000); Sponsor: Councilor Kirby. (FINANCE COMMITTEE 8/17/06)
- b. **Second Reading of Ordinance D-1817-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting and Adding Chapter 8, Article 5, Section 8-47(a)(29) to the Carmel City Code (No Parking Area); Sponsor: Councilor Carter.
- c. **Second Reading of Ordinance D-1818-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Meal Expense Advances, Adding Chapter 2, Article 3, Division III, Section 2-64 to the Carmel City Code (Meal Expense Advances); Sponsor(s): Councilor(s) Glaser, Griffiths, Rattermann and Sharp. (FINANCE COMMITTEE 8/17/06)
- d. **Second Reading of Ordinance D-1819-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division III, Section 2-61 of the Carmel City Code (Reimbursement Policy for Travel and Related Expenses); Sponsor(s): Councilor(s) Glaser, Griffiths, Rattermann and Sharp. (FINANCE COMMITTEE 8/17/06)
- e. **Third Reading of Ordinance Z-493-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Gramercy Planned Unit Development District; Sponsor: Councilor Rattermann.
- f. **Second Reading of Ordinance Z-494-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning of Brunson & Company, LLC Real Estate from R-3 (Residential) to B-5 (Business) Zoning Classification (1003 E. 106th Street, Indianapolis, IN 46280) Sponsor: Councilor Carter.
- g. **Third Reading of Ordinance Z-495-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Aramore Planned Unit Development District; Sponsor: Councilor Rattermann.

11. PUBLIC HEARINGS

- a. **Second Reading of Ordinance D-1820-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating a Portion of Public Right-Of-Way (Rangeline Road and City Center Drive, Parcel #5); Sponsor: Councilor Carter
- b. **Second Reading of Ordinance D-1821-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating a Portion of Public Right-Of-Way (Rangeline Road and Main Street, Parcel #12); Sponsor: Councilor Carter.

12. **NEW BUSINESS**

- a. **First Reading of Ordinance D-1824-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 9, Section 8-120 of the Carmel City Code, Establishing Certain Stop and Yield Signs; Sponsor: Councilor Sharp.
- b. **First Reading of Ordinance D-1825-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting and Adding Chapter 8, Article 5, Section 8-49 of the Carmel City Code (Thirty Minute Parking); Sponsor: Councilor Carter.
- c. **Resolution CC-08-21-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Designating Block Seven in the Carmel Science & Technology Park as an Economic Revitalization Area (Midwest Independent Transmission System Operator); Sponsor: Councilor Sharp.

13. **OTHER BUSINESS**

- a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

COMMON COUNCIL MEETING MINUTES

MONDAY, AUGUST 7, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:00 p.m.

Pastor Jose Velasquez, Seventh Day Adventists Church, pronounced the Invocation.

Mayor Brainard led the pledge of allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Griffiths made a motion to approve the Minutes of the July 17, 2006 Regular Meeting. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 6-0 (Councilor Mayo abstained).

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

John Sullivan, 862 Enclave Circle, Carmel, Indiana 46032 (attachment 1), addressed the Council regarding Ordinance Z-493-06 (Gramercy PUD).

Dixie Packard, Clay Township Assessor, provided the Council an update on property tax assessment.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Mayor Brainard addressed John Sullivan and Dixie Packard's comments. The Mayor referred to Curt Coonrod for a presentation to Council on "property tax trending" and the Carmel tax rate (attachment 2).

ACTION ON MAYORAL VETOES:

There were none.

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2 **CLAIMS:**

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4 Councilor Mayo made a motion to approve the claims in the amount of \$1,835,941.44. Councilor
5 Griffiths seconded. There was no Council discussion. Council President Sharp called for the question.
6 The claims were approved 7-0.
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8 **COMMITTEE REPORTS:**

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10 Councilor Rattermann reported that the Finance, Administration and Rules Committee had not met.
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12 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee had not
13 met. The next meeting will be held on Thursday, August 10, 2006 at 5:30 p.m.
14

15 Councilor Carter reported that the Parks, Recreation and Arts Committee had not met.
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17 Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met.
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19 **OLD BUSINESS**

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21 **Second Reading of Ordinance Z-493-06;** An Ordinance of the Common Council of the City of Carmel,
22 Indiana, Establishing the Gramercy Planned Unit Development District; Sponsor: Councilor Rattermann.
23 (LAND USE COMMITTEE MEETING 8/10/06). This ordinance was not discussed.
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25 **Second Reading of Ordinance Z-495-06;** An Ordinance of the Common Council of the City of Carmel,
26 Indiana, Establishing the Aramore Planned Unit Development District; Sponsor: Councilor Rattermann.
27 (LAND USE COMMITTEE MEETING 8/10/06). This ordinance was not discussed.
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29 **PUBLIC HEARINGS**

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31 Council President Sharp announced the **First Reading of Ordinance D-1815-06;** An Ordinance of the
32 Common Council of the City of Carmel, Indiana, Providing for an Additional Appropriation of Funds
33 from the Operating Balance of the City of Carmel MVH Fund (\$200,000 Street Dept – Paving).
34 Councilor Kirby made a motion to move this item into business. Councilor Carter seconded. Councilor
35 Kirby presented this item to Council. There was brief Council discussion. Council President Sharp
36 opened the Public Hearing at 6:57 p.m. Seeing no one who wished to speak, Council President Sharp
37 closed the Public Hearing at 6:57:30 p.m. Councilor Kirby made a motion to suspend the rules and not
38 send this item to committee and vote this evening. Councilor Mayo seconded. There was no Council
39 discussion. Council President Sharp called for the question on the motion. The motion was approved
40 7-0. There was no Council discussion. Councilor Kirby moved for approval of Ordinance D-1815-06.
41 Councilor Mayo seconded. Council President Sharp called for the question.
42 **Ordinance D-1815-06** was adopted 7-0.
43

44 Council President Sharp announced the **First Reading of Ordinance Z-494-06;** An Ordinance of the
45 Common Council of the City of Carmel, Indiana, Rezoning of Brunson & Company, LLC Real Estate
46 from R-3 (Residential) to B-5 (Business) Zoning Classification (1003 E. 106th Street, Indianapolis, IN
47 46280). Councilor Mayo made a motion to move this item into business. Councilor Griffiths seconded.
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Councilor Carter presented this item to Council. Council President Sharp referred to the petitioner, Michael Godfrey, for clarification of the address for the rezone. Council President Sharp opened the Public Hearing at 7:02 p.m. Seeing no one who wished to speak, Council President Sharp closed the Public Hearing at 7:02:30 p.m. There was no Council discussion. Council President Sharp referred Ordinance Z-494-06 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

NEW BUSINESS

Council President Sharp announced the **First Reading of Ordinance D-1814-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Supplementing and Amending Ordinance No. D-1735-04, Adopted by the Common Council on December 20, 2004, Authorizing the Issuance of Waterworks Revenue Bonds, and the Issuance of Bond Anticipation Notes for the Purpose of Financing the Construction of Additions and Improvements to the Carmel Waterworks (\$35,000,000). Councilor Kirby made a motion to move this item into business. Councilor Glaser seconded. Councilor Kirby referred to John Duffy, Director, Utilities, for a presentation to Council. There was no Council discussion. Council President Sharp referred Ordinance D-1814-06 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1817-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting and Adding Chapter 8, Article 5, Section 8-47(a)(29) to the Carmel City Code (No Parking Area). Councilor Mayo made a motion to move this item into business. Councilor Carter seconded. Councilor Carter presented this item to Council. There was brief Council discussion. Councilor Kirby made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Mayo seconded. Council President Sharp called for the question. The motion failed 6-1 (Councilor Rattermann opposed). Council President Sharp referred Ordinance D-1817-06 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1818-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Meal Expense Advances, Adding Chapter 2, Article 3, Division III, Section 2-64 to the Carmel City Code (Meal Expense Advances). Councilor Glaser made a motion to move this item into business. Councilor Mayo seconded. Councilor Glaser referred to Clerk-Treasurer, Diana L. Cordray, for a presentation to Council. There was no Council discussion. Council President Sharp referred Ordinance D-1818-06 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1819-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division III, Section 2-61 of the Carmel City Code (Reimbursement Policy for Travel and Related Expenses). Councilor Rattermann made a motion to move this item into business. Councilor Glaser seconded. There was no Council discussion. Council President Sharp referred Ordinance D-1819-06 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1820-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating a Portion of Public Right-Of-Way (Rangeline Road and City Center Drive, Parcel #5). Councilor Carter made a motion to move this item into business. Councilor Mayo seconded. Councilor Carter referred to Les Olds, Executive Director, Carmel Redevelopment Commission, for a presentation to Council. There was brief Council discussion. Les Olds referred to Ron Brown, General Council for Pedcor, 6035 Crows Nest, Indianapolis, Indiana, for clarification. Council President Sharp referred Ordinance D-1820-06 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1821-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating a Portion of Public Right-Of-Way (Rangeline Road and Main Street, Parcel #12). Councilor Mayo made a motion to move this item into business. Councilor Griffiths seconded. Councilor Carter referred to Les Olds, Executive Director, Carmel Redevelopment Commission, for a presentation to Council. There was brief Council discussion. Councilor Rattermann requested that Les Olds provide the Finance Committee with a new drawing outlining all of the alleys. Council President Sharp referred Ordinance D-1821-06 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

Council President Sharp announced **Resolution CC-08-07-06-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Continuing the City of Carmel Household Hazardous Waste Program. Councilor Kirby made a motion to move this item into business. Councilor Glaser seconded. Councilor Kirby referred to John Duffy, Director, Utilities, for a presentation to Council. There was brief Council discussion. Councilor Mayo moved for approval of Resolution CC-08-07-06-01. Councilor Rattermann seconded. Council President Sharp called for the question on the motion. **Resolution CC-08-07-06-01** was adopted 7-0.

OTHER BUSINESS

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. Councilor Glaser referred to John Duffy, Director, Utilities, for an update on the property at 106th & Gray Road. This item remains Tabled.

ANNOUNCEMENTS

There were none.

EXECUTION OF DOCUMENTS

Mayor Brainard adjourned the meeting at 7:30 p.m.

ADJOURNMENT

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Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

Mayor James Brainard

ATTEST:

Clerk-Treasurer Diana L. Cordray, IAMC

ORDINANCE D-1814-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
CARMEL, INDIANA, SUPPLEMENTING AND AMENDING
ORDINANCE NO. D-1735-04, ADOPTED BY THE COMMON COUNCIL
ON DECEMBER 20, 2004, AS PREVIOUSLY SUPPLEMENTED AND AMENDED,
AUTHORIZING THE ISSUANCE OF WATERWORKS REVENUE BONDS,
AND THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION
OF THE ISSUANCE OF SAID REVENUE BONDS, FOR THE PURPOSE
OF FINANCING THE CONSTRUCTION OF ADDITIONS
AND IMPROVEMENTS TO THE WATERWORKS OF THE CITY OF
CARMEL, INDIANA, AND OTHER RELATED MATTERS**

WHEREAS, the City of Carmel, Indiana (the "City") has heretofore established, constructed and financed a municipal waterworks and now owns and operates said works pursuant to Indiana Code 8-1.5, as amended from time to time (the "Act"); and

WHEREAS, on December 20, 2004, the Common Council of the City (the "Common Council") adopted its Ordinance No. D-1735-04 (the "Original Bond Ordinance"), which authorized the issuance of City of Carmel, Indiana Waterworks Revenue Bonds (referred to in the Original Bond Ordinance as the "2004 Project Bonds"), and bond anticipation notes or notes in anticipation of the issuance of such Bonds, for the purpose of providing interim financing for the construction of certain improvements and extensions of the City's waterworks as described in the Original Bond Ordinance (the "Project"); and

WHEREAS, on February 16, 2005, the City issued its Waterworks Bond Anticipation Notes of 2005, in the aggregate principal amount of Seven Million Dollars (\$7,000,000) (the "Series 2005A BANs"); and

WHEREAS, on October 17, 2005, the Common Council adopted its Ordinance No. D-1783-05 (the "First Supplemental Bond Ordinance"), which supplemented and amended the Original Bond Ordinance to authorize bond anticipation notes for the purpose of (i) refunding the Series 2005A BANs and (ii) providing further interim financing for the construction of certain improvements and extensions to the City's waterworks; and

WHEREAS, on November 17, 2005, the City issued its Waterworks Bond Anticipation Notes of 2005, Series B, in the aggregate principal amount of Fifteen Million Dollars (\$15,000,000) (the "Series 2005B BANs"); and

WHEREAS, the Common Council now desires to supplement and amend the Original Bond Ordinance, as previously supplemented and amended by the First Supplemental Bond Ordinance (the Original Bond Ordinance, as supplemented and amended by the First Supplemental Bond Ordinance, shall hereinafter be referred to as the "Bond Ordinance"), by

1 adopting this Ordinance (the "Second Supplemental Bond Ordinance"), for the purpose of
2 authorizing the issuance and sale of an additional series of bond anticipation notes in an
3 aggregate principal amount not to exceed Thirty-Five Million Dollars (\$35,000,000) (the
4 "Series 2006A BANs"), the proceeds of which shall be used to procure funds to (i) currently
5 refund the Series 2005B BANs, (ii) provide further interim financing for the construction of
6 certain additional improvements and extensions of the City's waterworks as described in
7 Exhibit A attached hereto, and (iii) pay costs of issuance of the Series 2006A BANs; and

8 **WHEREAS**, certain preliminary expenditures related to the payment of costs of the
9 Project (as such term is revised by Section 1 hereof) have been or will be incurred by or on
10 behalf of the City prior to the issuance and delivery of the Series 2006A BANs; and

11 **WHEREAS**, the Common Council desires to express its intention to reimburse such
12 expenditures as have been or may be incurred prior to the issuance of the Series 2006A BANs,
13 pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the U.S. Treasury
14 Regulations promulgated by the Internal Revenue Service (the "Treasury Regulations");

15 **NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of
16 Carmel, Indiana, as follows:

17 **Section 1. The Project and the Bonds.** Except where the context otherwise requires,
18 the term "Project" as used in the Bond Ordinance and this Second Supplemental Bond Ordinance
19 is hereby revised to include those additional improvements and extensions to the City's
20 waterworks set forth in Exhibit A attached hereto (which improvements and extensions are in
21 addition to those improvements and extensions set forth in Exhibit A to the Original Bond
22 Ordinance and Exhibit A to the First Supplemental Bond Ordinance). The term "2004 Project
23 Bonds" as defined in the Original Bond Ordinance and the term "2006 Bonds" as defined in the
24 First Supplemental Bond Ordinance are each hereby revised to be the "Bonds."

25 **Section 2. The Series 2006A BANs.** In anticipation of the issuance and sale of the
26 Bonds authorized by the Bond Ordinance, as supplemented and amended hereby, and to refund
27 the Series 2005B BANs and provide further interim financing to apply to a portion of the costs of
28 the Project, including those additional improvements and extensions set forth in Exhibit A
29 attached hereto, the City is hereby authorized to have prepared and to issue and sell its negotiable
30 bond anticipation notes in an aggregate principal amount not to exceed Thirty-Five Million
31 Dollars (\$35,000,000) (with the final principal amount of the Series 2006A BANs to be certified
32 in writing by the Mayor of the City (the "Mayor") prior to the sale of the Series 2006A BANs),
33 to be designated "City of Carmel, Indiana, Waterworks Bond Anticipation Notes of 2006,
34 Series A." The Series 2006A BANs shall be issued in fully registered form, shall be numbered
35 consecutively from 06AR-1 upwards, and shall be issued in denominations of Five Thousand
36 Dollars (\$5,000) or integral multiples thereof. The Series 2006A BANs shall be dated the date of
37 their delivery or the first day of the month in which the Series 2006A BANs are issued as
38 determined by the Mayor with the advice of the City's financial advisor (with such determination
39 to be certified in writing by the Mayor prior to the sale of the Series 2006A BANs), and shall
40 bear interest at a fixed rate or rates not exceeding six percent (6.0%) per annum (the exact rate or
41 rates of interest to be determined by public bidding). The Series 2006A BANs shall mature not
42 later than one (1) year after the date of their issuance, and the interest on the Series 2006A BANs

1 shall be payable semiannually on each May 1 and November 1, commencing not earlier than
2 November 1, 2006 (with such first interest payment date to be certified in writing by the Mayor
3 prior to the sale of the Series 2006A BANs), up to and including the final maturity date of the
4 Series 2006A BANs. Interest on the Series 2006A BANs shall be calculated on the basis of
5 twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

6 The Series 2006A BANs shall be sold at a price of not less than ninety-nine percent
7 (99.0%) of the principal amount thereof. The principal of the Series 2006A BANs shall be
8 payable solely from the proceeds from the issuance and sale of the Bonds, when and if issued
9 pursuant to the Bond Ordinance, as supplemented and amended hereby, and the interest on the
10 Series 2006A BANs shall be payable solely from the proceeds of the Bonds, when and if issued,
11 and/or any other funds legally available to the City for the payment thereof. Notwithstanding the
12 foregoing, interest on the Series 2006A BANs may be paid as capitalized interest as determined
13 by the Mayor with the advice of the City's financial advisor (such amount of the proceeds of the
14 Series 2006A BANs to be used as capitalized interest, if any, to be certified in writing by the
15 Mayor prior to the sale of the Series 2006A BANs), and, after provision for payment of the
16 Parity Bonds (as defined in the Original Bond Ordinance), may be paid from the Net Revenues
17 (as defined in the Original Bond Ordinance) of the City's waterworks on a subordinate basis.

18 In connection with the issuance of the Series 2006A BANs and the Bonds, Baker &
19 Daniels LLP is hereby appointed to serve as bond counsel, and London Witte Group, LLC, is
20 hereby appointed to serve as financial advisor.

21 **Section 3. Prepayment of the Series 2006A BANs.** The Series 2006A BANs are
22 prepayable by the City, in whole or in part (and, if in part, in Authorized Denominations and by
23 lot in such manner as may be designated by the Registrar (as defined in the Original Bond
24 Ordinance)), on or after such date as is selected by the Mayor with the advice of the City's
25 financial advisor (with such selection to be certified in writing by the Mayor prior to the sale of
26 the Series 2006A BANs), at any time upon seven (7) days' written notice to the registered owner
27 or owners of the Series 2006A BANs, without any premium.

28 **Section 4. Sale of the Series 2006A BANs.** The Series 2006A BANs shall be sold by
29 public sale pursuant to the provisions of Indiana Code 5-1-11.

30 **Section 5. Use of Proceeds of the Series 2006A BANs.** Any accrued interest or
31 capitalized interest received at the time of delivery of the Series 2006A BANs shall be deposited
32 in a special account established hereby and designated as the "City of Carmel Waterworks
33 2006A BAN Interest Account," which shall be used to pay interest on the Series 2006A BANs
34 through their maturity. The remaining proceeds from the sale of the Series 2006A BANs shall
35 be deposited in a bank or banks which are legally qualified depositories for the funds of the City,
36 as follows:

37 (a) An amount of money which is sufficient to retire and defease the
38 outstanding Series 2005B BANs shall be deposited in a special account to be designated
39 as the "City of Carmel Waterworks Series 2005B BAN Refunding Account" (the
40 "Refunding Account") and used to refund or otherwise retire the Series 2005B BANs.

1 Any amounts remaining in the Refunding Account after such refunding or retirement
2 shall be transferred to the hereinafter-described Project Fund.

3 (b) The remaining proceeds from the sale of the Series 2006A BANs shall be
4 deposited, on the date of issuance of the Series 2006A BANs, in the Project Fund, as
5 described in Section 11 of the Original Bond Ordinance. Amounts in the Capital Fund
6 shall be expended for the purposes set forth in Section 11 of the Original Bond
7 Ordinance.

8 **Section 6. Credit Enhancement.** If the City's financial advisor or the purchaser of the
9 Series 2006A BANs certifies to the City that it would be economically advantageous for the City
10 to acquire a municipal bond insurance policy or other credit enhancement for the Series 2006A
11 BANs, the City hereby authorizes and directs the Mayor and the Clerk-Treasurer of the City (the
12 "Clerk-Treasurer") to obtain such an insurance policy or other credit enhancement. The
13 acquisition of a municipal bond insurance policy or other credit enhancement is hereby deemed
14 economically advantageous if the difference between the present value cost of (a) the total debt
15 service on the Series 2006A BANs if issued without municipal bond insurance or other credit
16 enhancement and (b) the total debt service on the Series 2006A BANs if issued with municipal
17 bond insurance or other credit enhancement, is greater than the cost of the premium on the
18 municipal bond insurance policy or cost of such other credit enhancement. If deemed
19 economically advantageous as described in this paragraph, the cost of the premium for such
20 municipal bond insurance policy or cost of such other credit enhancement shall be deemed as a
21 proper cost of issuance of the Series 2006A BANs.

22 **Section 7. Official Statement.** The Series 2006A BANs may be offered and sold
23 pursuant to an Official Statement with respect to the Series 2006A BANs (the "Official
24 Statement"), to be made available and distributed in such manner, at such times, for such periods
25 and in such number of copies as may be determined by the Mayor with the advice of the City's
26 financial advisor. The City hereby authorizes the Mayor (a) to authorize and approve a
27 Preliminary Official Statement, as the same may be appropriately modified and amended for
28 distribution as the Preliminary Official Statement with respect to the Series 2006A BANs; (b) to
29 designate the Preliminary Official Statement a "final" Official Statement with respect to the
30 Series 2006A BANs, subject to completion; (c) to authorize and approve the Preliminary Official
31 Statement to be placed into final form and to enter into such agreements or arrangements as may
32 be necessary or advisable to provide for the distribution of a sufficient number of copies of the
33 Official Statement; and (d) to execute the Official Statement. The Mayor and the Clerk-Treasurer
34 are hereby further authorized to have prepared and execute an agreement for purposes of
35 evidencing the obligation of the City to comply with its continuing disclosure requirements with
36 respect to the Series 2006A BANs, if necessary.

37 **Section 8. Reimbursement Allocation.** The Common Council hereby declares that, for
38 the purpose of evidencing compliance with Indiana Code 5-1-14-6 and Section 1.150-2 of the
39 Treasury Regulations, it reasonably expects to reimburse with the proceeds of the Series 2006A
40 BANs (in an amount not to exceed and payable from the sources set forth above) expenditures
41 for the payment of costs of the Project made by or on behalf of the City prior to the issuance of
42 the Series 2006A BANs during the period beginning on the date sixty (60) days prior to the date

1 of this Ordinance until the date of issuance of the Series 2006A BANs, which expenditures are
2 expected to be paid initially from other legally available funds of the City.

3 **Section 9. Refunding of Series 2005B BANs.** The Common Council hereby approves
4 the refunding of the Series 2005B BANs as provided in this Second Supplemental Bond
5 Ordinance. The Mayor and the Clerk-Treasurer are hereby authorized to enter into an escrow
6 deposit agreement, if determined to be necessary and appropriate for the refunding, defeasance
7 or retirement of the Series 2005B BANs. The Mayor and the Clerk-Treasurer are hereby
8 authorized to take such actions as are necessary and appropriate for the purpose of providing for
9 the refunding, defeasance and/or retirement of the Series 2005B BANs, including, if determined
10 to be necessary by the Mayor and the Clerk-Treasurer, entering into an escrow deposit agreement
11 and selecting an escrow agent.

12 **Section 10. The Bonds.** The maximum principal amount of the Bonds, as set forth in
13 the Bond Ordinance, shall be increased to a maximum aggregate principal amount of Thirty-Five
14 Million Five Hundred Thousand Dollars (\$35,500,000) (as increased from the authorized
15 maximum principal amount of Fifteen Million Five Hundred Thousand Dollars (\$15,500,000) as
16 set forth in the Bond Ordinance).

17 **Section 11. Further Actions.** The Mayor and the Clerk-Treasurer are hereby authorized
18 to execute all documents and take all actions necessary to provide for the issuance of the
19 Series 2006A BANs, provided such documents or actions are not inconsistent with the terms and
20 conditions of this Second Supplemental Bond Ordinance and the Bond Ordinance.

21 **Section 12. Interpretation.** This Second Supplemental Bond Ordinance is adopted by
22 the Common Council for purposes of supplementing and amending the Bond Ordinance, and the
23 terms and conditions of the Bond Ordinance, and all references to "BANs" and "2004 Project
24 Bonds" and "2006 Bonds" set forth in the Bond Ordinance, to the extent not inconsistent with the
25 terms of this Second Supplemental Bond Ordinance, are incorporated herein by reference and
26 shall apply to the Series 2006A BANs and the Bonds, as the case may be, as if set forth herein.

27 **Section 13. Effectiveness.** Except as hereby supplemented and amended, the Bond
28 Ordinance shall remain in full force and effect.

29
30 **PASSED** by the Common Council of the City of Carmel, Indiana, this ____ day of
31 _____, 2006, by a vote of ____ ayes and ____ nays.

32 * * * * *

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2
3 _____
4 Presiding Officer

_____ Joseph C. Griffiths

5
6 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

7
8
9 Ronald E. Carter

_____ Brian D. Mayo

10
11
12 Fredrick J. Glaser

_____ Mark Rattermann

13
14
15 ATTEST:

16
17 _____
18 Diana L. Cordray, IAMC, Clerk-Treasurer

19
20 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
21 _____ 2006, at _____.M.

22
23
24
25 _____
26 Diana L. Cordray, IAMC, Clerk-Treasurer

27
28 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
29 _____ 2006, at _____.M.

30
31
32
33 _____
34 James Brainard, Mayor

35 ATTEST:

36
37 _____
38 Diana L. Cordray, IAMC, Clerk-Treasurer

39 **Prepared by:** Scott E. Peck
40 Baker & Daniels LLP
41 300 North Meridian Street, Suite 2700
42 Indianapolis, Indiana 46204

1 **Exhibit A**

2
3 **Project Description**

4
5 **List of Additional Projects**

6
7 **Project 1:** Existing distribution system improvements, 20-in. along Hazel Dell Pkwy.
8 to 146th Street, 16-in. on 126th St. from WTP-5 and 16-in. along Hazel
9 Dell Pkwy. to WTP-4.

10
11 Estimated Cost: \$2,400,000

12
13 **Project 2:** Improvements to Indianapolis Water distribution system per agreement
14 (i.e., 16-in. on Westfield Blvd., 16-in. on 106th St.).

15
16 Estimated Cost: \$2,500,000

17
18 **Project 3:** 30-in. Raw water main from Hazel Dell Pkwy. to WTP 1 & 4.

19
20 Estimated Cost: \$1,200,000

21
22 **Project 4:** Wells 23 & 24 with pumps, houses, controls and piping.

23
24 Estimated Cost: \$1,200,000

25
26 **Project 5:** Property acquisition for new wells and treatment facilities.

27
28 Estimated Cost: \$1,700,000

29
30 **Project 6:** Continued design of WTP-1, booster pump station and associated facilities.

31
32 Estimated Cost: \$1,000,000

33
34 **Project 7:** Water operations facility.

35
36 Estimated Cost: \$5,000,000

37
38 Total Estimated Construction Cost: \$15,000,000

ORDINANCE D-1817-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
ADOPTING AND ADDING CHAPTER 8, ARTICLE 5, SECTION 8-47(a)(29)
TO THE CARMEL CITY CODE**

WHEREAS, the Common Council is authorized and empowered to regulate vehicular parking within the City's corporate limits; and

WHEREAS, it is in the best interests of public safety and welfare to prohibit vehicular parking on the north side of 1st Street N.W., as the same is located within the City's corporate limits.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 8, Article 5, Section 8-47(a)(29) of the Carmel City Code should be and the same is hereby adopted and shall read as follows:

Sect. 8-47(a):

"(29) On the north side of 1st Street N.W."

Section 3. The Carmel Street Department shall post appropriate signs and markings on the above-described public street.

Section 4. The remaining provisions of Carmel City Code Chapter 8, Article 5, are not affected by this Ordinance and remain in full force and effect.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 6. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Page One of Two Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on July 20, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor pursuant to Indiana law.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____, 2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1817-06

Page Two of Two Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on July 20, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

2
3 **ORDINANCE D-1818-06**

4
5 **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,**
6 **INDIANA, ESTABLISHING MEAL EXPENSE ADVANCES, ADDING CHAPTER 2,**
7 **ARTICLE 3, DIVISION III, SECTION 2-64 TO THE CARMEL CITY CODE**
8

9 **WHEREAS**, City Legislature (IC 5-11-10-1.6) permits cities and towns to make meal
10 expense advances to a city or town employee who will be traveling on official city or town
11 business; and
12

13 **WHEREAS**, Further requiring that the maximum amount that may be paid in advance
14 concerning required meal documentation; and
15

16 **WHEREAS**, The ordinance must provide for reimbursement from the wages of the city
17 or town employee if the employee does not submit the required documentation.
18

19 **NOW, THEREFORE, BT IT ORDAINED** by the Common Council of the City of
20 Carmel, Indiana, as follows:
21

22 Section 1. The foregoing Recitals are fully incorporated herein by this reference.
23

24 Section 2. Chapter 2, Article 3, Division III, Section 2-64 is added to Carmel City Code.
25

26 **“Sec. 2-64. Meal Expense Advances.**
27

- 28 (a) The City of Carmel may be permitted to make an advance meal expense to a City
29 employee while traveling on City business at a rate of \$50 per day for in state
30 travel and \$60 per day for out of state travel.
31 (b) Upon completion of travel, an employee who receives an advance is required to
32 submit original itemized receipts to document meal expenditures and to return all
33 unused funds to the Clerk Treasurer-Treasurer’s office.
34 (c) If an employee fails to submit the required documentation or fails to return
35 unused funds within the established time frame, the City shall deduct the
36 undocumented and /or unreturned amounts, up to the total amount of the meal
37 advance, from the employee’s wages.”
38

39 Section 3. The Expense Report attached at Exhibit A, which may be amended from time
40 to time, shall be used to document all meal expense advances. No other form of documentation
41 will be accepted for meal expense advances.
42

43 Section 4. All prior ordinances or parts thereof inconsistent with any provision of this
44 Ordinance are hereby repealed as of the effective date of this Ordinance.
45

46 Section 5. If any portion of this Ordinance is for any reason declared to be
47 unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of
48 this Ordinance so long as enforcement of same can be given the same effect.
49

50 Section 6. This Ordinance shall be in full force and effect from and after its passage and
51 signing by the Mayor.
52

53 **ADOPTED** by the Common Council of the City of Carmel, Indiana this ____ day of
54 _____ 2006, by a vote of ____ ayes and ____ nays.

1
2 **COMMON COUNCIL FOR THE CITY OF CARMEL**
3

4
5 _____
6 Presiding Officer

_____ Joseph C. Griffiths

7
8 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

9
10
11 Ronald E. Carter

_____ Brian D. Mayo

12
13
14 Fredrick J. Glaser

_____ Mark Rattermann

15
16 ATTEST:

17
18
19 _____
20 Diana L. Cordray, IAMC, Clerk-Treasurer

21
22 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
23 _____ 2006, at _____.M.

24
25
26 _____
27 Diana L. Cordray, IAMC, Clerk-Treasurer

28
29
30 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
31 _____ 2006, at _____.M.

32
33
34 _____
35 James Brainard, Mayor

36
37 ATTEST:

38
39
40 _____
41 Diana L. Cordray, IAMC, Clerk-Treasurer

42
43 Prepared by: Diana L. Cordray, Clerk-Treasurer
44 City of Carmel
45 One Civic Square
46 Carmel, IN 46032

[illegible]

Director Signature: _____ Date: _____

For advance payments, claim form must be submitted ten (10) business days in advance of travel.

Claim will not be processed without the following documentation:

- 1) Conference or course registration form, if applicable
- 2) Travel itinerary or car rental agreement, if applicable
- 3) Original itemized receipts for all expenses (or affidavits if appropriate), except for meal *per diems* (which require hotel receipt)

Prorated meal allowance:

For travel that commences before 1:00 p.m. (flight departure time, if traveling by air), \$50 for in-state travel and \$60 for out-of-state travel

For travel that commences after 1:00 p.m. (flight departure time, if traveling by air), \$25 for in-state travel and \$30 for out-of-state travel

For travel that ends before 1:00 p.m. (flight arrival time, if traveling by air), \$25 for in-state travel and \$30 for out-of-state travel

For travel that ends after 1:00 p.m. (flight arrival time, if traveling by air), \$50 for in-state travel and \$60 for out-of-state travel

EMPLOYEE ACKNOWLEDGEMENT OF MEAL ADVANCE AND OBLIGATION TO DOCUMENT EXPENDITURES:

I hereby acknowledge receipt of \$_____, such funds being advanced to me by the City of Carmel solely for the purpose of purchasing meals while traveling to participate in official business for the City. I accept responsibility for these funds and agree to repay them if lost or stolen.

I understand that within ten (10) business days of my return (as stated on opposite side), I am responsible to:

- 1) Submit original itemized receipts to the office of the Clerk-Treasurer documenting all meal expenditures; and
- 2) Return all unused funds to the office of the Clerk-Treasurer

I further understand that failure to provide the required documentation shall result in the total amount of the advance being deducted from the first paycheck issued more than 30 days after the date of my return. Failure to return unused funds will result in the amount of the unused funds (total advance minus documented expenditures) being deducted from the first paycheck issued more than 30 days after the date of my return.

Employee Signature: _____ Date: _____

ORDINANCE D-1819-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, AMENDING CHAPTER 2, ARTICLE 3, DIVISION III,
SECTION 2-61 OF THE CARMEL CITY CODE**

WHEREAS, the nature of City of Carmel (“City”) operations frequently requires City officials and City employees to perform business and take advantage of educational opportunities at off-site locations; and

WHEREAS, the City desires to fairly and adequately compensate officials and employees for their travel expenses; and

WHEREAS, it is necessary from time to time to update and clarify travel policies and to adjust reimbursement levels.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 2, Article 3, Division III, Section 2-61 of the Carmel City Code should be and the same is hereby amended to read as follows:

“Sec. 2-61. Travel and Related Expenses.

(a) *Generally.* Expenses incurred by a City employee who must travel to carry out that employee’s official City duties, responsibilities or activities, or to obtain approved training, are reimbursable within the limits stated below. Certain travel expenses may be paid in advance.

(b) *Per Diems and Meal Expenses.*

(1) A *per diem* is a flat rate reimbursement for any and all expenses incurred in a certain reimbursable travel category. The City will pay *per diems* for **meal expenses only. No receipts are required for a *per diem* payment, which shall be made only after the employee completes travel and submits a claim for reimbursement.** However, the employee must provide a copy of his travel itinerary and hotel bill to document actual time of travel. Applicable *per diem* rates shall be:

- a) Sixty Dollars (\$60), including tips, if traveling outside the State of Indiana; and
- b) Fifty Dollars (\$50), including tips, if traveling within the State of Indiana.
- c) *Per diem* rates will be prorated for partial day travel.

(2) **Meal expenses that are advanced and meal expenses for travel that is completed within one calendar day are not eligible for the *per diem*, and shall be**

paid at actual cost. Original receipts are required to substantiate costs, which are subject to the limits shown above. Receipts should be itemized or, if the vendor does not provide an itemized receipt, include a statement from the employee indicating what food or beverage items were purchased (credit card statements are not adequate documentation). Maximums include tips, which shall not exceed 20% of the cost of the meal.

(c) Advance Payments.

(1) All claims for advance payment must be submitted to the office of the Clerk-Treasurer no later than ten (10) business days prior to the commencement of travel.

(2) Registration fees, hotel reservations and airfares connected with meetings, schools, seminars or other City-required travel may be paid in advance if supported by a fully itemized claim approved by the department director. Any savings resulting from changes in schedule or transportation or from reduced prices shall be delivered to the office of the Clerk-Treasurer, along with written documentation, within the later of ten (10) business days after travel is completed or three (3) business days after the same is received by the employee

(3) For overnight travel, meal expenses may be paid in advance if specifically requested by the employee. Meal expenses shall be advanced at the rates listed in Section (b) above. Within ten (10) business days after travel is completed, the employee must deliver to the office of the Clerk-Treasurer original itemized receipts for meal expenditures or, if the vendor does not provide an itemized receipt, a receipt accompanied by an itemized statement from the employee indicating what food or beverage items were purchased. Any unused funds shall also be returned. Failure to timely provide receipts and/or return unused funds will result in the monies being deducted from the employee's pay. See Section (d)(8) below for alternate reimbursement method.

(d) Reimbursable Expenses.

(1) Meeting, training and seminar fees.

(2) Private vehicle mileage, which shall be paid at the current United States Internal Revenue Service ("IRS") reimbursement rate, as amended from time to time by the IRS. If an employee travels directly from home to an off-site business meeting, the round-trip mileage between home and work shall be deducted from the total mileage.

(3) Cost of rental car and fuel for transportation between airport, lodging and business location if:

a) Route between airport and lodging or between lodging and business location is not served by taxi, subway or shuttle; or

b) Other forms of transportation are available, but are more costly than a rental car.

(4) Parking fees or tolls (affidavit required if no receipt is provided).

(5) Fares for taxis, shuttles, subways and other forms of local transportation.

(6) Coach air fares or fares that are commonly understood to be coach rates, or any lower fare. When personal travel is appended to business travel, reimbursement will be made only for the cost of round trip travel to and from the business location.

1 The round trip rate must be documented by a printed itinerary from a travel agency or
2 web site. The department director must approve all such travel in advance.

3 (7) Lodging expenses for a standard room. Any upgrade in accommodations
4 shall be the responsibility of the employee.

5 (8) Meal expenses.

6 a) For overnight travel, meal expenses are reimbursable at the flat *per*
7 *diem* rates listed in Section (b) above. See Section (c)(3) above for alternate
8 prepayment method.

9 b) For travel completed within one calendar day, meals shall be
10 reimbursed at actual cost, up to the maximums listed in Section (b) above.

11 (9) Tips or gratuities for bellhops, skycaps, taxi/shuttle drivers and others who
12 provide necessary services directly related to business travel (affidavit required if no
13 receipt is provided).

14 (10) All business telephone calls and up to two personal calls to home and/or to
15 closest family member per day, if the employee has no access to a City-issued cell
16 phone.

17 (11) In-room internet connection, if necessary for business purposes.

18
19 (e) *Non-reimbursable Expenses.*

20 (1) Expenses for entertainment or services not directly serving a business
21 purpose, including, but not limited to, in-room movies, alcohol, mini-bar, laundry
22 service, saunas, massages and golf.

23 (2) Expenses for purchase of personal items such as clothing, accessories and
24 toiletries.

25 (3) Long distance or local personal phone calls (except calls to home and/or to
26 closest family member).

27 (4) Rental car for recreational purposes.

28 (5) Travel upgrades or fees for schedule changes that result in no savings to the
29 City.

30 (6) Fees for overweight baggage, except with special approval of department
31 director.

32 (7) Comprehensive/collision and liability insurance offered by a car rental
33 agency (this coverage is provided by the City's insurer).

34 (8) Expenses resulting from companion travel, if the companion is not
35 conducting official City business, and if the expense is over and above the expense
36 reasonably incurred by the City employee alone.

37 (9) Traffic tickets issued by any police department for violation of an ordinance,
38 statute or law.

39 (10) Late or interest charges for expenses charged by an employee on his or her
40 personal account.

41
42 (f) *Claim Submission Requirements.*

43 (1) All reimbursable expenses shall be submitted on an approved expense
44 report, with required documentation attached.

45 (2) Any claim for reimbursement of travel or expenses incurred while on
46 official City business (except meal *per diems*) must be documented with original
47 itemized receipts. In the event receipts are unavailable (e.g., certain tolls and tips), the

1 employee may obtain reimbursement by signing an affidavit itemizing the expense
2 and affirming that the expense was incurred on behalf of the City.

3 (3) Prior to submission for reimbursement, a claim must be reviewed and
4 authorized by the director of the employee's department to confirm that the claims
5 submitted fall within the guidelines of this section and are within that department's
6 appropriated budget.

7
8 (g) *Travel Time.*

9 (1) For purposes of calculating compensation, an employee's hours worked
10 shall include all hours spent in transit, whether as a driver or a passenger (for air
11 travel, transit time begins when the flight is scheduled to depart and ends when the
12 employee arrives at his or her lodging). Except, however, an employee who is
13 offered public transportation but elects to drive instead shall be paid only for those
14 hours that would have been spent on public transportation. An employee's
15 department director shall have final decision as to the mode of transportation utilized.

16 (2) While on location, an employee shall be compensated for either the actual
17 numbers of hours worked (in meetings, conferences, classes, etc.) or the employee's
18 regularly scheduled hours for that day, whichever is greater.

19 (3) The following shall not be considered hours worked:

20 a) Time spent at evening events that serve primarily as social,
21 recreational or networking opportunities.

22 b) Time spent at evening events during which a meal and/or alcohol
23 is served, unless work is performed by the employee during a meal.

24
25 Section 3. The Expense Report attached as Exhibit A, which may be amended
26 from time to time, shall be used to document all travel expenses except mileage, for
27 which a special form is used. No other form of documentation will be accepted for
28 travel-related claims.

29
30 Section 4. All prior City ordinances or parts thereof that are inconsistent with
31 any provision of this Ordinance are hereby repealed as of the effective date of this
32 Ordinance.

33
34 Section 5. If any portion of this Ordinance is declared unconstitutional,
35 invalid or unenforceable by the valid judgment or decree of any court of competent
36 jurisdiction such unconstitutionally, invalidity or unenforceability shall nor affect any of
37 the remaining portions of same.

38
39
40
41 PASSED by the Common Council of the City of Carmel, Indiana, this _____
42 day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
_____ 2006, at _____.M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
_____ 2006, at _____.M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by Barbara A. Lamb, Director of Human Resources

[illegible]

Director Signature: _____ Date: _____

For advance payments, claim form must be submitted ten (10) business days in advance of travel.

Claim will not be processed without the following documentation:

- 1) Conference or course registration form, if applicable
- 2) Travel itinerary or car rental agreement, if applicable
- 3) Original itemized receipts for all expenses (or affidavits if appropriate), except for meal *per diems* (which require hotel receipt)

Prorated meal allowance:

For travel that commences before 1:00 p.m. (flight departure time, if traveling by air), \$50 for in-state travel and \$60 for out-of-state travel

For travel that commences after 1:00 p.m. (flight departure time, if traveling by air), \$25 for in-state travel and \$30 for out-of-state travel

For travel that ends before 1:00 p.m. (flight arrival time, if traveling by air), \$25 for in-state travel and \$30 for out-of-state travel

For travel that ends after 1:00 p.m. (flight arrival time, if traveling by air), \$50 for in-state travel and \$60 for out-of-state travel

EMPLOYEE ACKNOWLEDGEMENT OF MEAL ADVANCE AND OBLIGATION TO DOCUMENT EXPENDITURES:

I hereby acknowledge receipt of \$_____, such funds being advanced to me by the City of Carmel solely for the purpose of purchasing meals while traveling to participate in official business for the City. I accept responsibility for these funds and agree to repay them if lost or stolen.

I understand that within ten (10) business days of my return (as stated on opposite side), I am responsible to:

- 1) Submit original itemized receipts to the office of the Clerk-Treasurer documenting all meal expenditures; and
- 2) Return all unused funds to the office of the Clerk-Treasurer

I further understand that failure to provide the required documentation shall result in the total amount of the advance being deducted from the first paycheck issued more than 30 days after the date of my return. Failure to return unused funds will result in the amount of the unused funds (total advance minus documented expenditures) being deducted from the first paycheck issued more than 30 days after the date of my return.

Employee Signature: _____ Date: _____

ORDINANCE Z-493-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA, ESTABLISHING THE
GRAMERCY PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, Section 31.6.4 of the Carmel/Clay Zoning Ordinance Z-289 (the “Carmel/Clay Zoning Ordinance”), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.;

WHEREAS, the Carmel/Clay Plan Commission (the “Commission”) has given a favorable recommendation to the ordinance set forth herein (“Gramercy”) which establishes the Gramercy Planned Unit Development District (the “District”), which shall also be referred to as the “Gramercy Ordinance.”

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana (the “Council”), that (i) pursuant to IC §36-7-4-1500 *et seq.*, it adopts this Gramercy Ordinance, as an amendment to the Carmel/Clay Zoning Ordinance and it shall be in full force and effect from and after its passage, (ii) all prior commitments shall be null and void and replaced and superseded by this Gramercy Ordinance, and (iii) this Gramercy Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Section 1 **Applicability of Ordinance**

1.1. The Official Zoning Map of the City of Carmel and Clay Township, a part of the Carmel/Clay Zoning Ordinance, is hereby changed to designate the land described in Exhibit “A,” which is attached hereto and incorporated herein by reference (the “Real Estate”), as a Planned Unit Development District known as Gramercy.

1.2. Development in the District shall be governed entirely by (i) the provisions of this Gramercy Ordinance and its exhibits, and (ii) those provisions of the Carmel/Clay Zoning Ordinance specifically referenced in this Gramercy Ordinance. Development in the District shall be exempt from the provisions, standards and requirements in the Subdivision Control Ordinance, including but not limited to provisions regarding standards of design contained in Chapter 6 of the Carmel Subdivision Control Ordinance and open space requirements contained in Chapter 7 of the Carmel Subdivision Control Ordinance; provided, however, the provisions regarding procedures for subdivisions, penalties and plat certificates shall apply. In the event of a discrepancy and/or conflict between the Gramercy Ordinance and the (i) Carmel/Clay Zoning Ordinance, (ii) the Sign Ordinance, or (iii) Subdivision Control Ordinance,

the provisions of this Gramercy Ordinance shall apply.

- 1.3. Any capitalized term not defined herein shall have the meaning as set forth in the Carmel/Clay Zoning Ordinance in effect on the date of the enactment of this Gramercy Ordinance.

Section 2 **Current Conditions and Structures.** Attached hereto and incorporated herein by reference as Exhibit “B” is an aerial photograph depicting the boundaries of the Real Estate and the Existing Apartments and Existing Apartment Accessory Uses. The Existing Apartments and the Existing Apartment Accessory Uses shall be permitted to remain in their current conditions and shall not be subject to the terms and conditions of this Gramercy Ordinance and the Gramercy Design and Development Standards. However, as redevelopment of the Real Estate occurs and a portion or portions of either the Existing Apartments and/or the Existing Apartment Accessory Uses are intentionally removed or demolished in order to accommodate the redevelopment, the newly constructed buildings and structures shall be subject to this Gramercy Ordinance and the Gramercy Design and Development Standards. All improvements in existence as of the date of this Ordinance may be maintained, remodeled, and reconstructed, including reconstruction after fire or other casualty.

Section 3 **Platting.** The platting of the Real Estate into smaller Sections shall be permitted but not required to split the Real Estate into smaller Sections. If platting occurs, the Primary Plat and the Secondary Plat for any Section shall be approved administratively, so long as (i) the proposed Primary Plat and Secondary Plat, as applicable, complies with the requirements set forth in the attached Gramercy Design and Development Standards, which is attached hereto and incorporated herein by reference as Exhibit “G”, (ii) the Primary Plat substantially complies with the approved Development Plan and ADLS approval, and (iii) the Secondary Plat complies with the approved Primary Plat, the approved Development Plan and the ADLS approval. Primary Plat approval or Primary Plat and Secondary Plat Approval for any Section may be obtained concurrently with Development Plan and ADLS approvals. The creation of a new property or boundary lines within the Real Estate shall not impose or establish new development standards, including but not limited to the creation of required setbacks other than the required Perimeter Setbacks provided in Section 4.4(A-D), beyond those specified below in the Gramercy Design and Development Standards for the entirety of the Real Estate. However, the development of any Section or Sections shall conform to the requirements set forth in the Gramercy Design and Development Standards, and all other applicable requirements contained in this Gramercy Ordinance. Except as specifically provided for otherwise in this Gramercy Ordinance, the provisions regarding procedures for subdivisions and plat certificates shall apply.

Section 4 **Design and Development Standards and Permitted Uses**

- 4.1. **Design and Development Standards.** The design and development of the District shall comply with Exhibit “G”, the Gramercy Design and Development Standards.

1 A. Gramercy Development, Phasing, and Access

2 1. Fifty percent (50%) of the total acreage of the Real Estate may be
3 developed pursuant to the standards and requirements of this
4 Gramercy Ordinance without vehicular access to Keystone Avenue
5 or Carmel Drive.

6 2. The total remaining acreage of the Real Estate that is not
7 developed pursuant to Section 4.1(A)(1) above may be developed
8 and built pursuant to the standards and requirements of this
9 Gramercy Ordinance upon the acquisition of additional curb cuts
10 and/or additional real estate that can accommodate vehicular
11 access to either Keystone Avenue or Carmel Drive.

12 B. Auman Drive Access: Streets located on the Real Estate that
13 approach and ultimately intersect with East Auman Drive shall
14 incorporate appropriate traffic calming techniques in their design,
15 including but not limited to jogs in the street alignment within the
16 Real Estate. As part of the ADLS and Development Plan process,
17 the number and location of any access points to East Auman Drive
18 and/or Shoshone Drive shall be reviewed and approved by the Plan
19 Commission. Unless specifically required by the Plan
20 Commission, Department of Community Services, Department of
21 Engineering and/or the Board of Public Works, the Developer shall
22 not permit more than two access points onto East Auman Drive
23 and/or Shoshone Drive. Access point locations shall be
24 determined in cooperation with the Department of Community
25 Services, Department of Engineering and/or Board of Public
26 Works.

27 4.2. Permitted Uses and Use Areas. Exhibit “E”, which is attached hereto and
28 incorporated herein by reference, sets forth the general locations of Use
29 Areas A, B and C (as defined below). Exhibit “F”, which is attached
30 hereto and incorporated herein by reference, sets forth the Permitted
31 District Uses for each Use Area, subject to the other requirements and
32 standards of this Gramercy Ordinance, including the provisions contained
33 in Sections 4.2(D) and 4.2(E) below.

34 A. Use Area A. “Use Area A” shall be defined as the first and second
35 rows of Buildings that are either (1) situated immediately along
36 and facing the western property line or (2) situated immediately
37 along and facing the northern property line as generally depicted
38 on Exhibit “E”.

39 B. Use Area B. “Use Area B” shall be defined as the third and fourth
40 rows of Buildings to the east and south of Use Area A as generally
41 depicted on Exhibit “E”. Within Use Area B, a minimum of

seventy percent (70%) of the total gross floor area shall contain uses which are listed in Exhibit “F” in the “Residential Uses” category, provided, however, that any uses listed in Exhibit “F” in the categories titled “Miscellaneous,” “Transportation and Communication Uses,” and “Temporary Uses,” as well as the “Public Park” use shall be excluded from any calculation of gross floor area.

C. Use Area C. “Use Area C” shall be defined as all areas of the Real Estate not specifically identified or described as part of Use Areas A or B, as generally depicted on Exhibit “E”. Within Use Area C, a minimum of fifty percent (50%) of the total gross floor area shall contain uses which are listed in Exhibit “F” in the “Residential Uses” category, provided, however, that any uses listed in Exhibit “F” in the categories titled “Miscellaneous,” “Transportation and Communication Uses,” and “Temporary Uses,” as well as the “Public Park” use shall be excluded from any calculation of gross floor area.

D. Limitations on Uses. Within the Gramercy District, no more than one hundred fifty thousand (150,000) square feet shall contain permitted uses listed in Exhibit “F” in the following categories: (i) “Office Uses”; (ii) “Retail & Service Uses”.

E. 126th Street/Keystone Avenue Special Use & Height Area. In addition to the uses permitted in Use Area A and Use Area B respectively, all other uses identified in Exhibit “F” shall be permitted as a Special Use, but only in the portions of these Use Areas located to the east of the easternmost entrance to the Real Estate from 126th Street. As part of a Special Use request pursuant to this Section 4.2(E), the maximum Building Height may be modified.

F. Mixed Uses. For any uses that are permitted in any Use Area as listed in Exhibit “F”, those permitted uses may be contained in different combinations within a single Building.

G. Leasing. For any Dwelling Unit within the District, the owner of said Dwelling Unit shall be permitted to lease or rent the Dwelling Unit to another person(s), subject to the rules and ordinances of the City of Carmel and the rules of any applicable Homeowner’s Association.

H. Model Homes. Model Homes shall be permitted in any of the areas as listed in Exhibit “F” and shall be governed by the City of Carmel’s rules and ordinances governing Model Homes.

1 I. Temporary Uses. Temporary Uses shall be permitted as listed in
2 Exhibit “F” and shall be governed by the City of Carmel’s rules
3 and ordinances governing Temporary Uses.

4 4.3. Building Height. Exhibit “D”, which is attached hereto and incorporated
5 herein by reference, sets forth the general locations of the Perimeter
6 Transitional Area, the Interior Transitional Area, the Core Transitional
7 Area, and the Core Area (as defined below).

8 A. Perimeter Transitional Area. The “Perimeter Transitional Area”
9 shall be defined as the first and second rows of Buildings that are
10 either (1) situated immediately along and facing the western
11 property line or (2) situated immediately along and facing the
12 northern property line as generally depicted on Exhibit “D.” The
13 maximum Building Height within the Perimeter Transitional Area
14 shall be thirty-five feet (35’).

15 B. Interior Transitional Area: The “Interior Transitional Area” shall
16 be defined as the third and fourth rows of Buildings to the east and
17 south of the Perimeter Transitional Area as generally depicted on
18 Exhibit “D.” The maximum Building Height within the Interior
19 Transitional Area shall be fifty feet (50’).

20 C. Core Transitional Area: The “Core Transitional Area” shall be
21 defined as the area generally depicted as the Core Transitional
22 Area on Exhibit “D.” The maximum Building Height within the
23 Core Transitional Area shall be sixty-five feet (65’).

24 D. Core Area: All areas of the Real Estate not specifically identified
25 or described as part of a Transitional Area on Exhibit “D” shall
26 constitute the Core Area. The maximum Building Height within
27 the Core Area shall be one hundred feet (100’).

28 4.4 Perimeter Setbacks.

29 A. Western Property Line: There shall be a minimum setback of
30 fifteen feet (15’) from the western property line of the Real Estate.

31 B. Northern Property Line: There shall be a minimum setback of
32 fifteen feet (15’) from the northern property line of the Real Estate.

33 C. Eastern Property Line: There shall be a minimum setback of thirty
34 feet (30’) from the eastern property line of the Real Estate.

35 D. Southern Property Line: There shall be no minimum setback from
36 the southern property line of the Real Estate.

37 E. Internal Setbacks: There shall be no minimum setbacks required

for any internal boundary lines created by platting or splitting the Real Estate.

4.5 **Building Orientation.** Any building situated along the portion of the Real Estate directly adjacent to either 126th Street or East Auman Drive shall be oriented in such a way that the rear of the building does not face either 126th Street or East Auman Drive.

4.6 **Trash Enclosures.** No trash enclosures, compacters, dumpsters, or other permanent structure or structures for refuse or recycling storage shall be located such that it is visible from the properties (1) adjacent to the western perimeter of the Real Estate and East of Auman Drive, (2) adjacent to the northern perimeter of the Real Estate and 126th Street, or (3) adjacent to the eastern perimeter of the Real Estate and Keystone Avenue.

4.7 **Streets.** New streets located within the Gramercy District may be either (1) dedicated to the public through the platting process, or (2) maintained in private access easements (such as alleys) that shall connect to publicly dedicated streets, as determined by the Developer and approved through the ADLS and Development Plan process by the Plan Commission. Streets shall be designed in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards. Streets shall remain open and accessible to the public and shall not be gated or access-controlled, unless otherwise approved through the ADLS and Development Plan process by the Plan Commission.

Section 5 **Accessory Buildings.** All Accessory Buildings and Accessory Uses shall be permitted except that any detached accessory building shown in any Development Plan shall on all sides be architecturally compatible with the principal building(s) with which it is associated.

Section 6 **Landscaping.** Landscaping shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards. A Landscape Plan shall be submitted as part of any ADLS approval and Development Plan approval for any Section to be developed.

Section 7 **Lighting.** Lighting shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards. A Lighting Plan shall be submitted as part of any ADLS approval and Development Plan approval for any Section to be developed.

Section 8 **Parking.** Parking shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards.

Section 9 **Signage.** Signage shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards.

1 **Section 10 Approval Process**

2 10.1. Nature of Development Requirements. The development requirements set
3 forth in this Gramercy Planned Unit Development District are expressed in
4 detailed terms as provided under I.C. § 36-7-4-1509(a)(2). As permitted
5 under I.C. § 36-7-4-1509(e), the approval process contained in this Section
6 10 shall be adhered to in order to obtain an Improvement Location Permit.

7 10.2. Approval or Denial of the Primary Plat/Development Plan. Exhibit “C”,
8 which is attached hereto and incorporated herein by reference, shall serve
9 as the Conceptual Plan (the “CP”). However, the CP does not constitute
10 the approved Development Plan or Primary Plat for the Real Estate, nor
11 does it constitute the ADLS approval for the Real Estate and the
12 improvements thereon, considered in connection with the Gramercy
13 Ordinance. The development of any Section of Gramercy shall require
14 further (i) Architectural Design, Exterior Lighting, Landscaping and
15 Signage Regulations (“ADLS”) approval pursuant to Chapter 24 of the
16 Carmel Zoning Ordinance and (ii) development plan approval pursuant to
17 Chapter 24 of the Carmel Zoning Ordinance (“Development Plan”), (iii)
18 Primary Plat approval, and (iv) Secondary Plat approval in accordance
19 with Section 10.3 below. If there is a Substantial Alteration in the
20 approved ADLS or Development Plan, review and approval of the
21 amended plans shall be made by the Commission, or a Committee thereof,
22 pursuant to the Commission’s rules of procedure. Minor Alterations may
23 be approved by the Director. Notwithstanding anything herein to the
24 contrary, neither ADLS approval or Development Plan approval shall alter
25 the specific development requirements contained in this Gramercy
26 Ordinance unless agreed to by the Developer, and compliance with the
27 specific development requirements set forth in this Gramercy Ordinance
28 shall not be the basis for denial of ADLS approval or a Development Plan
29 for a Section.

30 10.3. Approval or Denial of Secondary Plat.

31 A. The Director shall have the sole and exclusive authority to approve
32 without conditions, approve with conditions, or disapprove the
33 Secondary Plat (the “SP”) for the Gramercy Ordinance; provided,
34 however, that the Director shall not unreasonably withhold or
35 delay the Director’s approval of the SP that is in substantial
36 conformance with the Development Plan and Primary Plat and is in
37 conformance with this Gramercy Ordinance and the Gramercy
38 Design and Development Standards. If the Director disapproves
39 any SP, the Director shall set forth in writing the basis for the
40 disapproval. Upon receipt of such written disapproval, the
41 applicant may either amend the Secondary Plat to address the
42 stated reasons for denial and resubmit the amended Secondary Plat
43 or schedule the request for approval of the SP for a hearing before

1 the full Plan Commission.

2 B. An amendment to the SP, which is not determined by the Director
3 to be a Substantial Alteration from the approved Development Plan
4 and Primary Plat, may be reviewed and approved solely by the
5 Director. However, in the event the Director determines that there
6 has been a Substantial Alteration between the approved
7 Development Plan and or Primary Plat and any proposed SP, the
8 Director may, at the Director's discretion, refer the amended SP to
9 the Commission, or a Committee thereof, for review and approval
10 by the Commission and/or a Committee thereof.

11 C. The SP shall be a specific plan for the development of all of the
12 Real Estate or a Section that is submitted for approval to the
13 Director, which shall include reasonable detail regarding the
14 facility and structures to be constructed, as well as drainage,
15 erosion control, utilities, streets and building information.

16 10.4. Additional Notification Required. In addition to the public notice required
17 by law for any ADLS, Development Plan, or Variance Petition submitted
18 for any Section(s) of the District or any building(s) within the District, the
19 Developer shall provide the same notification via USPS mail to the
20 following individuals: (i) President of the Homeowner's Association,
21 Enclave subdivision, (ii) President of the Homeowner's Association or
22 other appointed representative, Auman subdivision, and (iii) President of
23 the Homeowner's Association or other appointed representative, Newark
24 Village subdivision.

25 **Section 11 Construction Activity and Construction Traffic.** Any construction
26 activity and/or construction traffic that occurs within and upon the Real Estate shall be
27 subject to all relevant regulations, ordinances, and technical specifications of the City of
28 Carmel that govern such activity. Unless specifically required by the City of Carmel
29 Board of Public Works and/or the City of Carmel Department of Engineering, the
30 Developer shall not permit any construction entrances and/or construction traffic onto
31 East Auman Drive. The Developer shall direct construction traffic away from residential
32 neighborhoods, subject to the direction of the City of Carmel Board of Public Works
33 and/or the City of Carmel Department of Engineering. Unless otherwise approved or
34 required by the City of Carmel Board of Public Works and/or the City of Carmel
35 Department of Engineering, construction work hours shall be between the hours of 7:00
36 am and 7:00 pm, and no work shall be performed on the following days: New Years Day,
37 Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

38 **Section 12 Rules of Construction**

39 12.1. General Rules of Construction. The following general rules of
40 construction and definitions shall apply to the regulations of this
41 Ordinance:

- 1 A. The singular number includes the plural and the plural the singular,
2 unless the context clearly indicates the contrary.
- 3 B. Words used in the present tense include the past and future tenses,
4 and the future the present.
- 5 C. The word “shall” is a mandatory requirement. The word “may” is
6 a permissive requirement. The word “should” is a preferred
7 requirement.

8 **Section 13** **Violations.** All violations of this Gramercy Ordinance shall be subject to
9 Section 34.0 of the Carmel/Clay Zoning Ordinance.

10 **Section 14** **Definitions**

- 11 14.1. **Alteration, Minor:** Any change to an approved plan of any type that
12 involves the revision of less than ten percent (10%) of the plan’s total area
13 or approved materials.
- 14 14.2. **Alteration, Substantial:** Any change to an approved plan of any type that
15 involves the revision of ten percent (10%) or more of the plan’s total area
16 or approved materials.
- 17 14.3. **Building Height:** The vertical distance from the lot ground level to the
18 highest point of the roof for a flat roof, to the deck line of a mansard roof
19 and to the mean height between eaves and ridges for gable, hip and
20 gambrel roofs.
- 21 14.4. **City:** The City of Carmel, Indiana.
- 22 14.5. **Commission:** The Carmel/Clay Plan Commission.
- 23 14.6. **Council:** The Common Council of the City of Carmel, Indiana.
- 24 14.7. **County:** Hamilton County, Indiana.
- 25 14.8. **Conceptual Plan:** Conceptual Plan shall mean and refer to a general plan
26 for the development of the Real Estate showing the conceptual layout of
27 blocks, streets, and open spaces pursuant to the Gramercy Planned Unit
28 Development Ordinance (the “Gramercy Ordinance”). All locations of
29 streets and open spaces are intended to facilitate the communication of
30 standards within the Gramercy Ordinance and are subject to modification
31 by the Developer. Final street and open space locations shall be generally
32 consistent in character with the Conceptual Plan and shall be determined
33 in accordance with each Section that is the subject of an ADLS and
34 Development Plan submittal or shall be approved by the Director. The
35 Conceptual Plan for the Gramercy Planned Unit Development District is
36 depicted on Exhibit “C” which is attached hereto and incorporated herein

by reference.

14.9. Condominium: A residential living unit or units as defined in and governed by the Indiana Code, Sections. 32-25-1-1 to 32-25-9-2, inclusive.

14.10. Developer: Buckingham Properties, Inc. and its successors and assigns.

14.11. Development: The Real Estate constituting the District as it may be developed and improved in accordance with this Ordinance and the Development Requirements contained herein.

14.12. Development Requirements: Development standards and any requirements specified in this Gramercy Ordinance which must be satisfied in connection with the approval of a Secondary Plat.

14.13. Director: Director, or Administrator, of the Department of Community Services for the City of Carmel, Indiana. "Director" and "Administrator" shall include his/her authorized representatives.

14.14. District: Approximately 116.6 acres of land described in Exhibit "A" which is attached hereto and incorporated herein by reference.

14.15. Existing Apartments: The Existing Apartments are depicted on Exhibit "B" which is attached hereto and incorporated herein by reference and consists of all the current apartment structures and buildings on the Real Estate.

14.16. Existing Apartment Accessory Uses: The Existing Apartment Accessory Uses are depicted on Exhibit "B" which is attached hereto and incorporated herein by reference and include, but are not limited to, all accessory buildings, structures and improvements relating to the Existing Apartments, such as streets, parking areas, landscaping, lighting, signage, garage structures, covered garage structures, trash enclosures and trash structures, clubhouse, swimming pool, tennis courts, covered garage structures, the apartment complex clubhouse and related structures, the golf course, the golf course clubhouse, and all related golf course improvements, structures and facilities and all other improvements currently existing on the Real Estate.

14.17. General Service: An establishment or place of business primarily engaged in the provision of services, and with little or no retail sales.

14.18. Live/Work Dwelling: A type of Building in which the uses permitted in the Office Uses, Educational Uses, Retail & Service Uses and Cultural/Entertainment Uses that are set forth in the Schedule of Permitted Uses that is attached to the Gramercy Ordinance as Exhibit "F", which is attached hereto and incorporated by reference, are permitted in the

1 Live/Work Dwelling. Both residential and non-residential uses shall be
2 permitted in a Live/Work Dwelling.

3 14.19. Open Space: A land or water surface within the Development designed
4 and intended for the use and enjoyment of some or all of residents of the
5 Development and, where designated, the community at large. Grass and
6 landscaped areas, hardscape materials, paths and sidewalks may be
7 included in any area calculations of open space so long as they are
8 associated with landscaping, planting areas, or trees for shade.

9 14.20. Parking Lot, Commercial: Any area of land used or intended for off-street
10 surface parking and operated for remuneration.

11 14.21. Parking Structure, Commercial: Any building, facility or structure used as
12 an enclosed off-street parking facility and operated for remuneration.

13 14.22. Parking Structure, Private: Any building, facility or structure used as an
14 enclosed off-street parking facility, and privately owned.

15 14.23. Permitted District Uses: The Permitted District Uses shall mean and refer
16 to the permitted uses set forth in Exhibit "F", the Schedule of Permitted
17 Uses, which is attached hereto and incorporated herein by reference.

18 14.24. Real Estate: The Real Estate shall mean and refer to all of the Real Estate
19 described in Exhibit "A", which is attached hereto and incorporated herein
20 by reference.

21 14.25. Secondary Plat: A specific plan for the development of the Real Estate, a
22 portion of the Real Estate or a Section of the Real Estate that is submitted
23 for approval showing proposed facilities, buildings, and structures. This
24 plan review includes general landscaping, parking, drainage, erosion
25 control, signage, lighting, screening and building information for the site.

26 14.26. Section: A specific area or parcel of the Real Estate that is submitted for
27 ADLS approval, Development Plan and/or Primary Plat approval (the "DP
28 Approval").

29 14.27. Sign Ordinance: The City of Carmel Sign Ordinance, Section 25.07 of the
30 City of Carmel Zoning Ordinance.

31
32
33 **PASSED** by the Common Council of the City of Carmel, Indiana this ____ day
34 of _____, 2006, by a vote of _____ ayes and _____ nays.
35
36
37
38

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2
3
4
5 _____
6 Presiding Officer

_____ Joseph C. Griffiths

7
8 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

9
10
11 Ronald E. Carter

_____ Brian D. Mayo

12
13
14 Fredrick J. Glaser

_____ Mark Rattermann

15
16 ATTEST:

17
18
19 _____
20 Diana L. Cordray, IAMC, Clerk Treasurer

21 Presented by me to the Mayor of the City of Carmel, Indiana the ____ day of
22 _____, 2006, at _____ o'clock ____M.

23
24
25
26 _____
27 Diana L. Cordray, IAMC, Clerk Treasurer

28 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of
29 _____, 2006, at _____ o'clock ____M.

30
31
32
33 _____
34 James Brainard, Mayor

35 ATTEST:

36
37
38
39 _____
40 Diana L. Cordray, IAMC, Clerk Treasurer

1 This Instrument prepared by: David E. Leazenby and Sara Nasuti
2 Buckingham Properties, Inc.
3 333 N. Pennsylvania St., 10th Floor
4 Indianapolis, IN 46204
5
6

7 This Instrument reviewed by: James E. Shinaver
8 NELSON & FRANKENBERGER
9 3105 East 98th Street, Suite 170
10 Indianapolis, IN 46280
11

12 Timothy Ochs
13 ICE MILLER
14 One American Square, Box 82001
15 Indianapolis, IN 46282
16

17 Gramercy PUD Ver7 7-17-06

Exhibit "A" - Legal Description

Part of the Northwest Quarter and part of the Northeast Quarter of Section 31, Township 18 North, Range 4 East, in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of Section 31, Township 18 North, Range 4 East; thence South 90 degrees 00 minutes 00 seconds East (assumed bearing) on and along the North line of said Northeast Quarter 657.90 feet; thence South 00 degrees 15 minutes 20 seconds East 2657.80 feet to the South line of said Northeast Quarter; thence South 89 degrees 56 minutes 10 seconds West on and along aforesaid South line 660.00 feet to the Southwest Corner of said Northeast Quarter; thence South 90 degrees 00 minutes 00 seconds West on and along the South line of the Northwest Quarter of said Section 31, 660.00 feet; thence North 00 degrees 12 minutes 35 seconds West parallel with the East line of said Northwest Quarter 2081.30 feet to a point which is 577.50 feet South and 00 degrees 12 minutes 35 seconds East of the North line of said Northwest Quarter; thence South 89 degrees 58 minutes 35 seconds East parallel with the North line of said Northwest Quarter 379.50 feet; thence North 00 degrees 12 minutes 35 seconds West parallel with the East line of said Northwest Quarter 577.50 feet to the North line thereof; thence South 89 degrees 58 minutes 35 seconds East on and along aforesaid North line 280.50 feet to the Place of Beginning.

ALSO:

Part of the Northeast Quarter of Section 31, Township 18 North, Range 4 East, in Hamilton County, Indiana, more particularly described as follows:

Beginning 657.90 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Northwest Corner of the Northwest Corner of the Northeast Quarter of Section 31, Township 18 North, Range 4 East, and on the North line thereof; thence South 00 degrees 15 minutes 20 seconds East 2657.80 feet to the South line of said Northeast Quarter, distant 660.00 feet Easterly from the Southwest Corner thereof; thence North 89 degrees 56 minutes 10 seconds East on and along aforesaid South line 476.85 feet to the West right of way line of State Road #431; thence on and along aforesaid West right of way line of said State Road #431 the following Nine (9) courses; thence North 05 degrees 26 minutes 50 seconds East 157.45 feet; thence North 01 degree 43 minutes 42 seconds East 200.42 feet; thence North 10 degrees 24 minutes 02 seconds East 150.56 feet; thence North 05 degrees 26 minutes 50 seconds East 462.20 feet to the point of Curvature of a curve to the left with a radius of 19,011.59 feet; thence Northerly on and along said curve to the left 1,580.57 feet through a central angle of 04 degrees 45 minutes 48 seconds; thence North 38 degrees 59 minutes 10 seconds West 98.58 feet; thence North 89 degrees 56 minutes 05 seconds West 200.00 feet; thence North 67 degrees 03 minutes 20 seconds West 54.27 feet; thence North 00 degrees 03 minutes 55 seconds East 16.14 feet to the North line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds West on and along aforesaid North line 353.27 feet to the Place of Beginning.

ALSO:

Part of the Northwest Quarter of Section 31, Township 16 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 31, Township 18 North, Range 4 East, which is 280.50 feet North 89 degrees 58 minutes 35 seconds West (assumed bearing) of the Northeast Corner of said Northwest Quarter; thence South 00 degrees 12 minutes 35 seconds East parallel with the East line of said Northwest Quarter 577.50 feet; thence North 89 degrees 58 minutes 35 seconds West parallel with the North line of said Northwest Quarter 379.50 feet; thence North 00 degrees, 12 minutes 35 seconds West parallel with the East line of said Northwest Quarter 577.50 feet to the North line thereof; thence South 89 degrees 58 minutes 35 seconds East on and along aforesaid North line 379.50 feet to the Place of Beginning.

Exhibit "B" - Existing Conditions and Structures



Exhibit "F" - Schedule of Permitted Uses

Version 5

**P = Permitted, "Blank" = Prohibited,
SU = Special Use**

	Area A	Area B	Area C
Residential Uses			
Single Family Dwelling	P	P	P
Two Family Dwelling	P	P	P
Multiple Family Dwelling ¹	P	P	P
Detached Dwelling	P	P	P
Accessory Dwelling	P	P	P
Attached Dwelling	P	P	P
Home Occupation	P	P	P
Bed & Breakfast Inn			P
Model Home	P	P	P
Guest House		P	P
Boarding or Lodging House			P
Nursing/Retirement/Convalescent Facility			P
Private Swimming Pool, etc		P	P
Live/Work Dwelling		P	P

¹ Within District A, any Multiple Family Dwelling shall contain for-sale units only and the number of units per Building shall be limited to 5 or less.

Office Uses			
Clinical or Medical Health Center			P
Research Laboratory or Facility			P
General Offices		P	P
Professional Offices		P	P
Training Facility			P

Institutional Uses			
Church/Temple/Places of Worship			SU
Hospital			SU
Surgery Center			P
Urgent Care Facility			P
Rehabilitation Facility			P
Physical/Occupational Care			P
Library		P	P
Post Office		P	P
Public Service Facility		P	P

Educational Uses			
School, Trade or Business		P	P
College or University		P	P
Day Nursery/Day Care		P	P
Kindergarten/Preschool		P	P
School of General Elementary or Secondary Education		P	P

Retail & Service Uses			
General Retail Sales		P	P
General Service		P	P
Automobile Service Station			P
Automobile/Truck Repair (indoor)			P
Café		P	P
Delicatessen		P	P
Coffee Shop		P	P
Commercial Kennel			P
Dry Cleaning Establishment (w/ on-site plant)			P
Dry Cleaning Establishment (w/out on-site plant)		P	P
Equipment Sales/Repair (indoor)		P	P
Financial Institution (with drive-thru)			P
Financial Institution (without drive-thru)		P	P
Automated Teller Machine (ATM)		P	P

P = Permitted, "Blank" = Prohibited,
SU = Special Use

	Area A	Area B	Area C
Food Stand			P
Funeral Home/Mortuary/Crematory			SU
Roadside Sales Stand			P
Self-Service Laundry		P	P
Veterinary Hospital with commercial kennel			P
Veterinary Hospital without commercial kennel			P
Wholesale Sales			P

Cultural/Entertainment Uses			
Art Gallery		P	P
Art & Music Center		P	P
Hotel			P
Hotel (full service)			P
Indoor Theater			P
Outdoor Theater			P
Catering Establishment		P	P
Restaurant, without drive-thru sales		P	P
Restaurant, with walk-up/drive-thru food sales			P
Meeting or Party Hall			P
Museum		P	P
Tavern/Night Club			P

Industrial Uses			
Printing/Publishing Establishment		P	P

Recreational			
Commercial Recreational Facility, Indoor		P	P
Commercial Recreational Facility, Outdoor			P
Community Center		P	P
Country Club			P
Golf Course			P
Health/Fitness Facility		P	P
Private Club or Lodge		P	P
Private Recreational Facility		P	P
Park, Public	P	P	P

Miscellaneous			
Artificial Lake or Pond (non-platted)	P	P	P
Commercial Parking Lot			SU
Commercial Parking Structure			P
Private Parking Structure		P	P

Temporary Uses			
Construction Facility		P	P
Display, Outdoor		P	P
Model Homes	P	P	P
Sales, Outdoor		P	P
Sales, Seasonal Outdoor		P	P
Special Event, Outdoor		P	P

Transportation & Communication Uses			
Antenna ²			P
Collocated Antenna ²		P	P
Radio and/or Television Studio		P	P
Radio/Television Transmission Antenna ²			P
Wireless Telecommunications Antenna ²		P	P
Private Helicopter Landing/Service Facility			SU

² If visually integrated with or camouflaged on or within another structure (including but not limited to a chimney stack, church spire, light standard, monument, penthouse, power line support device, or clock tower)

**TRAFFIC IMPACT ANALYSIS
PREPARED BY A&F ENGINEERING CO., LLC**

**GRAMERCY
BUCKINGHAM COMPANIES
KEYSTONE AVENUE**

**EXECUTIVE SUMMARY
FEBRUARY 2006**

INTRODUCTION & PURPOSE

A **Traffic Impact Analysis** was prepared on behalf of the Buckingham Companies for a proposed mixed-use development titled "Gramercy" that will be located along Keystone Avenue (U.S. 431) between 126th Street (Mohawk Drive) and Carmel Drive in Carmel, Indiana. The purpose of the analysis was to determine what effect traffic generated by the proposed development will have on the existing adjacent roadway system.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development is to be located west of Keystone Avenue between 126th Street (Mohawk Drive) and Carmel Drive in Carmel, Indiana. The traffic analysis was based on an estimated development of approximately 700 multi-family dwelling units, approximately 1500 townhouse/condominium dwelling units, senior housing with approximately 120 dwelling units, approximately 50,000 square feet of office land use, approximately 80,000 square feet of retail land use and a hotel with approximately 120 rooms. This information represents a conceptual development plan that could vary due to market conditions.

As proposed, the site will have a right-in/right-out access along Keystone Avenue, four access drives along 126th Street, an access with Carmel Drive through the extension of AAA Way and four access drives along Auman Drive East. The attached **Figure 1** is an area map showing the proposed site and the approximate locations of the proposed access drives.

DESCRIPTION OF EXISTING MOHAWK HILLS APARTMENT COMPLEX

The mixed use development as proposed by Buckingham Companies will replace the existing Mohawk Hills apartment complex and golf course. The existing complex has approximately 564 dwelling units. The estimated existing traffic volumes that are associated with the existing 564 multi-family dwelling units were subtracted from the generated traffic volumes of the proposed 700 multi-family dwelling units in order to analyze the true impact of the proposed mixed use development.

STUDY AREA

The study area defined for this analysis included the following intersections:

- Keystone Avenue and 126th Street (Mohawk Drive)
- Keystone Avenue and Carmel Drive
- Keystone Avenue and 116th Street
- Keystone Avenue and Proposed Right-In/Right-Out Access

In addition, recommendations have been made for the proposed access drives along 126th Street and along Auman Drive East.

TRAFFIC SCENARIOS

The following traffic scenarios were analyzed at the study intersections:

- Scenario 1 – Existing Traffic
- Scenario 2 – Existing Traffic + Proposed Development Traffic
- Scenario 3 – Year 2016 Background Traffic (Horizon Year)
- Scenario 4 – Year 2016 Background Traffic + Proposed Development Traffic

DESCRIPTION OF THE EXISTING INTERSECTION GEOMETRICS

The following study intersections are currently controlled by a coordinated traffic signal system. The existing intersection geometrics are shown on **Figure 2** and include the following:

Keystone Avenue and 126th Street (Mohawk Drive)

- Northbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Southbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Eastbound Approach: A left-turn lane and a shared through/right-turn lane.
- Westbound Approach: A left-turn lane and a shared through/right-turn lane.

Keystone Avenue and Carmel Drive

- Northbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Southbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Eastbound Approach: A left-turn lane, a through lane and a right-turn lane.
- Westbound Approach: A left-turn lane and a shared through/right-turn lane.

Keystone Avenue and 116th Street

- Northbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Southbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Eastbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Westbound Approach: A left-turn lane, two through lanes and a right-turn lane.

CAPACITY ANALYSIS RESULTS

The "efficiency" of an intersection is based on its ability to accommodate the traffic volumes that approach the intersection. It is defined by the Level-of-Service (LOS) of the intersection. The LOS is determined by a series of calculations commonly called a "capacity analysis". Input data into a capacity analysis include traffic volumes, intersection geometry, number and use of lanes and, in the case of signalized intersections, traffic signal timing. To determine the LOS at each of the study intersections, a capacity analysis has been made using the recognized computer program *Synchro*ⁱ which incorporates capacity calculations based on the *Highway Capacity Manual (HCM)*ⁱⁱ.

An analysis has then been made for the AM peak hour and PM peak hour for each of the study intersections considering each of the previously mentioned traffic scenarios. The following tables summarize the results of the capacity analysis for the study intersections.

TABLE 1 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND 126TH STREET (MOHAWK DRIVE)

AM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	C	C	D	B	C
Southbound Approach	D	D	F	D	D
Eastbound Approach	E	E	E	D	E
Westbound Approach	E	E	F	D	E
Intersection	D	D	E	D	D

PM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	C	C	C	C	C
Southbound Approach	C	C	D	D	D
Eastbound Approach	D	D	E	D	D
Westbound Approach	D	D	F	D	D
Intersection	D	D	D	D	D

DESCRIPTION OF SCENARIOS

- Scenario 1: Existing Traffic Volumes
 Scenario 2: Sum of Existing Traffic and Proposed Development Traffic
 Scenario 3: Year 2016 Background Traffic Volumes
 Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

NOTES:

- This intersection was analyzed as a coordinated signal system with the near-by intersections along Keystone Avenue. The existing system cycle lengths as provided by the Indiana Department of Transportation were used to analyze the existing traffic volumes (Scenario 1). Optimized cycle lengths were used when analyzing the remaining scenarios.
- Scenarios 1 and 3A were analyzed with the existing intersection geometrics.
- Scenario 2 was analyzed with the addition of a continuous eastbound right-turn lane along 126th Street that starts 100 feet west of the western most proposed access (Access #1) and continues through the remaining access drives to Keystone Avenue.
- Scenario 3B was analyzed with the following improvements along Keystone Avenue:
 1. The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
 2. The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- Scenario 4 was analyzed with the improvement along 126th Street as needed for Scenario 2 as well as the improvements along Keystone Avenue as needed per Scenario 3B.

TABLE 2 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND CARMEL DRIVE

AM PEAK HOUR

MOVEMENT	SCENARIO					
	1	1A	2	3A	3B	4
Northbound Approach	C	C	C	C	B	B
Southbound Approach	F	C	D	E	D	D
Eastbound Approach	D	D	D	E	D	D
Westbound Approach	F	E	E	F	D	D
Intersection	E	C	D	D	C	D

PM PEAK HOUR

MOVEMENT	SCENARIO					
	1	1A	2	3A	3B	4
Northbound Approach	B	C	C	D	C	C
Southbound Approach	E	E	E	E	E	E
Eastbound Approach	D	C	D	E	C	D
Westbound Approach	E	E	D	E	E	E
Intersection	D	D	D	E	D	D

DESCRIPTION OF SCENARIOS

- Scenario 1: Existing Traffic Volumes
 Scenario 2: Sum of Existing Traffic and Proposed Development Traffic
 Scenario 3: Year 2016 Background Traffic Volumes
 Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

NOTES:

- This intersection was analyzed as a coordinated signal system with the near-by intersections along Keystone Avenue. The existing system cycle lengths as provided by the Indiana Department of Transportation were used to analyze the existing traffic volumes (Scenario 1 and Scenario 1A). Optimized cycle lengths were used when analyzing the remaining scenarios.
- Scenario 1 was analyzed with the existing intersection geometrics.
- Scenarios 1A, 2 and 3A were analyzed with the addition of a second northbound left-turn lane along Keystone Avenue.
- Scenarios 3B and 4 were analyzed with the second northbound left-turn lane along Keystone Avenue as mentioned above as well as the following improvements:
 1. The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
 2. The addition of a third southbound through lane along Keystone Avenue.

TABLE 3 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND 116TH STREET

AM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	D	D	E	D	D
Southbound Approach	B	D	E	C	D
Eastbound Approach	E	D	E	D	D
Westbound Approach	E	E	F	D	E
Intersection	D	D	E	D	D

PM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	D	D	E	D	E
Southbound Approach	C	D	D	C	C
Eastbound Approach	D	D	E	D	E
Westbound Approach	D	D	D	D	D
Intersection	D	D	E	D	D

DESCRIPTION OF SCENARIOS

- Scenario 1: Existing Traffic Volumes
 Scenario 2: Sum of Existing Traffic and Proposed Development Traffic
 Scenario 3: Year 2016 Background Traffic Volumes
 Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

NOTES:

- This intersection was analyzed as a coordinated signal system with the near-by intersections along Keystone Avenue. The existing system cycle lengths as provided by the Indiana Department of Transportation were used to analyze the existing traffic volumes (Scenario 1). Optimized cycle lengths were used when analyzing the remaining scenarios.
- Scenarios 1, 2 and 3A were analyzed with the existing intersection geometrics.
- Scenarios 3B and 4 were analyzed with the following improvements:
 1. The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
 2. The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.

TABLE 4 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND PROPOSED RIGHT-IN/RIGHT-OUT ACCESS

AM PEAK HOUR		
MOVEMENT	SCENARIO 2	SCENARIO 4
Eastbound Approach	E	C

PM PEAK HOUR		
MOVEMENT	SCENARIO 2	SCENARIO 4
Eastbound Approach	C	B

DESCRIPTION OF SCENARIOS

Scenario 2: Sum of Existing Traffic and Proposed Development Traffic

Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

NOTES:

- This access is proposed as a right-in/right-out access. A median exists along Keystone Avenue in the vicinity of the access.
- Scenario 2 was analyzed with the addition of a southbound right-turn lane along Keystone Avenue. Per the Indiana Department of Transportation's *Driveway Permit Manual*ⁱⁱⁱ, this turn lane should have 550 feet of deceleration and a 100 foot taper. A 100 foot recovery taper is also proposed at the access.
- When the existing traffic volumes are projected forward to the year 2016 based on an annual growth rate, before the generated traffic is added to the roadway network, Keystone Avenue will need to have six travel lanes (three in each direction) in order for the signalized study intersections to operate at level of service "D" or better during the peak hours. The additional travel lanes are not due to the proposed development as they are needed before the proposed development traffic is added to the roadway network in order to accommodate the year 2016 background traffic volumes. Scenario 4 was then analyzed with an additional through lane in both directions along Keystone Avenue as well the addition of the southbound right-turn lane recommended for Scenario 2.

RECOMMENDATIONS

Based on the results of the traffic study, the following recommendations are made to ensure that the roadway system will operate at acceptable levels of service if the site is developed as proposed.

1. KEYSTONE AVENUE AND 126TH STREET (MOHAWK DRIVE)

Year 2006 Conditions

A continuous eastbound right-turn lane is recommended along 126th Street that starts 100 feet west of the western most proposed access (Access #1) and continues through the remaining access drives to Keystone Avenue. When the generated traffic volumes from the proposed development are added to the existing traffic volumes, this intersection will operate at acceptable levels of service during the peak hours with this improvement. The intersection geometrics will then consist of the following:

Northbound Approach:	A left-turn lane, two through lanes and a right-turn lane.
Southbound Approach:	A left-turn lane, two through lanes and a right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.

Year 2016 Conditions (Horizon Year)

When the existing traffic volumes are projected forward to the year 2016, before the generated traffic volumes from the proposed development are added, the following improvements are needed at this intersection in order to achieve level of service “D” or better during the peak hours:

- The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.

The improvements listed above are not due to the proposed development.

When the proposed development traffic is added to the year 2016 background traffic, the continuous eastbound right-turn lane along 126th Street is recommended. The intersection geometrics will then consist of the following:

Northbound Approach:	A left-turn lane, two through lanes and a shared through/right-turn lane.
Southbound Approach:	A left-turn lane, two through lanes and a shared through/right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.

2. KEYSTONE AVENUE AND CARMEL DRIVE

Year 2006 Conditions

The addition of a second northbound left-turn lane is needed along Keystone Avenue in order to achieve level of service “D” or better during the peak hours with the existing traffic volumes. The intersection geometrics will then consist of the following:

Northbound Approach:	Two left-turn lanes, two through lanes and a right-turn lane.
Southbound Approach:	A left-turn lane, two through lanes and a right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.

When the proposed development traffic is added to the existing traffic, the intersection geometrics listed above will accommodate the projected traffic volumes. Therefore, no improvements are needed at this intersection due to the proposed development.

Year 2016 Conditions (Horizon Year)

When the existing traffic volumes are projected forward to the year 2016, before the generated traffic volumes from the proposed development are added, the following improvements are needed at this intersection in order to achieve level of service “D” or better during the peak hours:

- The addition of the second northbound left-turn lane along Keystone Avenue as needed per the existing traffic volumes.
- The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- The addition of a third southbound through lane along Keystone Avenue.

The improvements listed above are not due to the proposed development. With the improvements, the intersection geometrics will then consist of the following:

Northbound Approach:	Two left-turn lanes, two through lanes and a shared through/right-turn lane.
Southbound Approach:	A left-turn lane, three through lanes and a right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.

When the proposed development traffic is added to the year 2016 background traffic, the intersection geometrics listed above will accommodate the projected traffic volumes. Therefore, no improvements are needed at this intersection due to the proposed development.

3. KEYSTONE AVENUE AND 116TH STREET

Year 2006 Conditions

The existing intersection geometrics will adequately accommodate the generated traffic from the proposed development. Therefore, no improvements are needed at this intersection due to the proposed development.

Year 2016 Conditions (Horizon Year)

When the existing traffic volumes are projected forward to the year 2016, before the generated traffic volumes from the proposed development are added, the following improvements are needed at this intersection in order to achieve level of service “D” or better during the peak hours:

- The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.

The improvements listed above are not due to the proposed development. With the improvements, the intersection geometrics will then consist of the following:

- | | |
|----------------------|---|
| Northbound Approach: | A left-turn lane, two through lanes and a shared through/right-turn lane. |
| Southbound Approach: | A left-turn lane, two through lanes and a shared through/right-turn lane. |
| Eastbound Approach: | A left-turn lane, two through lanes and a right-turn lane. |
| Westbound Approach: | A left-turn lane, two through lanes and a right-turn lane. |

When the proposed development traffic is added to the year 2016 background traffic, the intersection geometrics listed above will accommodate the projected traffic volumes. Therefore, no improvements are needed at this intersection due to the proposed development.

4. KEYSTONE AVENUE AND PROPOSED RIGHT-IN / RIGHT-OUT ACCESS

Year 2006 Conditions & Year 2016 Conditions (Horizon Year)

This access is proposed to be constructed as a right-in/right-out access. A median exists along Keystone Avenue in the vicinity of the access. It is recommended to construct a southbound right-turn lane along Keystone Avenue at the access drive. Per the Indiana Department of Transportation’s *Driveway Permit Manual*, this turn lane should have 550 feet of deceleration and a 100 foot taper. A 100 foot recovery taper is also recommended at the access.

The traffic simulation program *SimTraffic*^{iv} was used to visually model the anticipated traffic flow operations when the generated traffic from the proposed development is added to the roadway network. Based on the *SimTraffic* simulations and the proposed access location, adequate spacing will be provided so that vehicles traveling southbound along Keystone Avenue will not queue back from Carmel Drive to the proposed right-in/right-out access.

5. ACCESS DRIVES ALONG 126TH STREET (MOHAWK DRIVE)

Year 2006 Conditions & Year 2016 Conditions (Horizon Year)

The following conditions are recommended for the proposed access drives along 126th Street:

- Each unsignalized access controlled with the access drive stopping for 126th Street.
- Access #2 and Access #4 (the main access drives) each constructed with two outbound lanes and one inbound lane. Access #1 and Access #3 each constructed with at least one outbound lane and one inbound lane.
- The addition of a continuous eastbound right-turn lane along 126th Street that starts 100 feet west of the western most access (Access #1) and continues through the remaining access drives to Keystone Avenue.
- The addition of a westbound left-turn lane along 126th Street at each access. Combined with the existing eastbound left-turn lane at the Keystone Avenue intersection, a continuous left-turn lane would then be created along 126th Street in the vicinity of the site. A minimum of 100 feet of storage is recommended for the left-turn lane serving Access #2. A minimum of 50 feet of storage is recommended for each of the left-turn lanes serving Access #1 and Access #3. There is approximately 460 feet of space for a left-turn lane between the eastern most access drive (Access #4) and Keystone Avenue. A minimum of 100 feet of storage with a 100 foot taper is recommended for the westbound left-turn lane serving Access #4. It is then recommended that the existing eastbound left-turn lane at the Keystone Avenue intersection be extended back so that it has 260 feet of storage.

The traffic simulation program *SimTraffic* was used to visually model the anticipated traffic flow operations when the generated traffic from the proposed development is added to the roadway network. Based on the *SimTraffic* simulations, adequate spacing will be provided along 126th Street between the proposed access drives and the intersection of Keystone Avenue and 126th Street. In addition, the recommended storage lengths for the auxiliary lanes will accommodate the projected traffic volumes.

6. ACCESS DRIVES ALONG AUMAN DRIVE EAST

Year 2006 Conditions & Year 2016 Conditions (Horizon Year)

The following conditions are recommended for the proposed access drives along Auman Drive East:

- Each unsignalized access controlled with the access drive stopping for Auman Drive East.
- Each access constructed with at least one outbound lane and one inbound lane.
- These access drives will mainly serve the proposed residential homes that are located towards the east edge of the site. However, the majority of the traffic to and from the development will access the site via the drives that are located along the major roadways (i.e. along Keystone Avenue, 126th Street and Carmel Drive). Based on the peak hour projected traffic volumes determined in this study, the proposed development will most likely add 20 vehicles or less during the peak hours in either direction along Auman Drive East. Considering the low volume of projected traffic, the proposed development will have very little impact to Auman Drive East. Therefore, improvements will not be needed along Auman Drive East due to the low traffic volumes projected at the drives.

ⁱ *Synchro 6.0*, Trafficware, 2003.

ⁱⁱ *Highway Capacity Manual (HCM)*, Transportation Research Board, National Research Council, Washington, DC, 2000.

ⁱⁱⁱ *Driveway Permit Manual*, Indiana Department of Transportation (INDOT), 1996.

^{iv} *SimTraffic 6.0*, Trafficware, 2003.



ALL DISTANCES ARE APPROXIMATE

DEVELOPMENT INFORMATION		
LAND USE	ITE CODE	SIZE
PROPOSED MULTI-FAMILY (GRAMMERCY PROPOSAL)	220	700 DU
EXISTING MULTI-FAMILY (EXISTING MOHAWK HILLS)	220	~564 DU
ADDITIONAL MULTI-FAMILY WITH GRAMMERCY PROPOSAL	220	136 DU
TOWNHOUSE/CONDOMINIUM	230	1500 DU
SENIOR HOUSING	252	120 DU
OFFICE	710	50,000 SF
RETAIL	820	80,000 SF
HOTEL	310	120 ROOMS

FIGURE 1
AREA MAP

GRAMMERCY
BUCKINGHAM COMPANIES
CARMEL, INDIANA

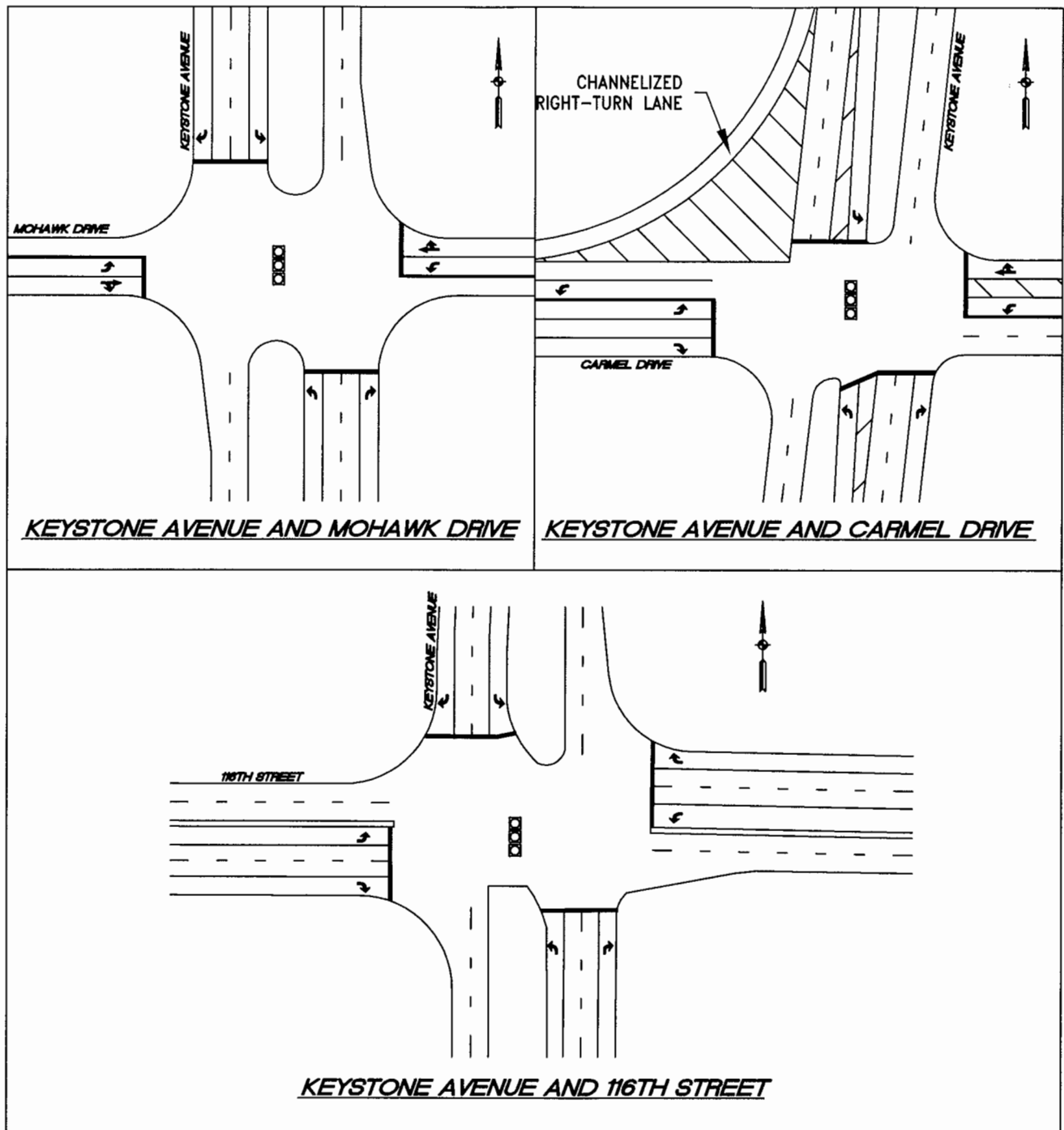


FIGURE 2
EXISTING INTERSECTION
SCHEMATICS

GRAMMERCY
BUCKINGHAM COMPANIES
CARMEL, INDIANA

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ORDINANCE Z-494-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA**

*Rezoning of Brunson & Company, LLC real estate from R-3 (Residential) to B-5
(Business) Zoning Classification*

WHEREAS, pursuant to Indiana Code 36-7-4, the Common Council has lawfully adopted a Zoning Ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the City of Carmel, Indiana, and the incorporated area of Clay Township, Hamilton County, Indiana, which Zoning Ordinance has been codified in Chapter 10 of the Carmel City Code; and

WHEREAS, pursuant to Indiana Code 36-7-4-602, the Common Council is authorized to amend the map that is part of the Zoning Ordinance; and

WHEREAS, the Carmel/Clay Planning Commission has rendered a unanimous favorable recommendation regarding the rezone request to the real property, the legal description of which is attached hereto and incorporated herein by reference as Exhibit "A" (hereafter "Real Estate");

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section I: The official Zoning Map accompanying and made part of the Zoning Ordinance is hereby changed to designate the Real Estate from the R-3 Residential zoning classifications to the B-5 Business District zoning classification.

Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III: This Ordinance shall be in full force and effect from and after its passage and signed by the Mayor.

Ordinance Z-494-06 **PASSED** by the Common Council of the City of Carmel, Indiana this ____ day of _____ 2006, by a vote of ____ ayes and ____ nays.

1

2

3 **COMMON COUNCIL FOR THE CITY OF CARMEL**

4

5

6

7 _____
8 Presiding Officer

_____ Joseph C. Griffiths

9 _____
10 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

11 _____
12 Ronald E. Carter

_____ Brian D. Mayo

13 _____
14 Fredrick J. Glaser

_____ Mark Rattermann

15
16
17
18 ATTEST:

19 _____
20
21 Diana L. Cordray, IAMC, Clerk-Treasurer

22
23
24 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
25 _____ 2006, at _____ .M.

26
27
28 _____
29 Diana L. Cordray, IAMC, Clerk-Treasurer

30
31
32 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
33 _____ 2006, at _____ .M.

34
35 _____
36 James Brainard, Mayor

37
38 ATTEST:

39 _____
40
41 Diana L. Cordray, IAMC, Clerk-Treasurer

42
43 Prepared by: Michael Godfrey, Brunson & Company, 2050 E. 96th Street, Indianapolis, IN
44 46240

EXHIBIT “A”

LAND DESCRIPTION

The East Half of Lots Numbered Forty-One (41) and Forty-Two (42) in Orin Jessup land Company's Original Plat of Home Place, Hamilton County, Indiana, as per plat thereof, recorded in Deed Record 103, pages 11-12, in the Office of the Recorder of Hamilton County, Indiana.

PROPERTY ADDRESS: 1003 E. 106th St., Indianapolis, IN 46280

SPONSOR: Councilor Rattermann

ORDINANCE Z-495-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA ESTABLISHING
THE ARAMORE PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, Section 31.6.4 of the Carmel/Clay Zoning Ordinance Z-289 (the “Carmel/Clay Zoning Ordinance”), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.;

WHEREAS, the Carmel/Clay Plan Commission (the “Commission”) has given a favorable recommendation to the ordinance set forth herein (the “Ordinance”) which establishes the Aramore Planned Unit Development District (the “District”).

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana (the “Council”), that (i) pursuant to IC §36-7-4-1500 *et seq.*, it adopts this Aramore Ordinance, as an amendment to the Carmel/Clay Zoning Ordinance and it shall be in full force and effect from and after its passage, (ii) all prior ordinances or parts thereof inconsistent with any provision of this Aramore Ordinance and its exhibits are hereby repealed, (iii) all prior commitments and restrictions shall be null and void and replaced and superseded by this Aramore Ordinance, and (iv) this Aramore Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Section 1 Applicability of Ordinance:

Section 1.1 The Official Zoning Map of the City of Carmel and Clay Township, a part of the Carmel/Clay Zoning Ordinance, is hereby changed to designate the land described in Exhibit “A” (the “Real Estate”), as a Planned Unit Development District to be known as Aramore.

Section 1.2 Development in the District shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the Carmel/Clay Zoning Ordinance specifically referenced in this Ordinance. In the event of a conflict between this Ordinance and the Carmel/Clay Zoning Ordinance or the Sign Ordinance, the provisions of this Ordinance shall apply.

Section 1.3 Any capitalized term not defined herein shall have the meaning as set forth in the Carmel/Clay Zoning Ordinance in effect on the date of the enactment of this Ordinance.

Section 2 Permitted Primary Uses: Permitted uses are condominiums and/or multi-family dwelling units.

1 Section 3 Accessory Buildings and Uses: All Accessory Structures and Accessory Uses
2 shall be permitted except that any detached accessory building shown in any development plan
3 shall have on all sides the same architectural features or shall be architecturally compatible with
4 the principal building(s) with which it is associated.

5
6 Section 4 Communication Equipment. Cell towers shall not be permitted. Home satellite
7 dishes shall be permitted.
8

9 Section 5 Platting: The platting of the Real Estate into smaller tracts shall be permitted, so
10 long as the proposed plat complies with the area requirements set forth below in Section 6, and
11 the creation of a new property line within the Real Estate shall not impose or establish new
12 development standards beyond those specified below in Section 6 for the entirety of the Real
13 Estate. However, the development of any parcel shall conform to all Preliminary Development
14 Plans and Final Development Plans which are approved or amended per the terms of Section
15 14.1 below, and all other applicable requirements contained in this Ordinance.
16

17 Section 6 Height, Area and Square Footage Requirements:
18

19 Section 6.1 Maximum Building Height: The maximum Building Height for
20 Townhomes is thirty-eight (38) feet. The maximum Building Height for Courthomes is
21 thirty (30) feet.
22

23 Section 6.2 Minimum Building Set Back: The Minimum Set Back from any perimeter
24 boundary line of the Real Estate shall be not less than Ten (10) feet.
25

26 Section 6.3 Minimum Building Separation. The minimum building distance between
27 Buildings, measured from the exterior face of the foundation, shall be ten (10) feet for
28 Townhomes and Courthomes.
29

30 Section 6.4 Maximum Parcel Coverage, Density and Square Footage:
31

32 A. Maximum Parcel Coverage shall be fifty percent (50%).
33

34 B. There shall be a maximum of one hundred and fifty (151) Townhomes and
35 seventy-two (72) Courthomes on approximately twenty-seven and 35/100
36 (27.35) acres.
37

38 C. Square Footage of Townhome Floor Plans for Product Offerings shall not
39 be less than one thousand five hundred square feet. Square Footage of
40 Courthome Floor Plans for Product Offerings shall not be less than two
41 thousand square feet.
42

43 Section 6.5 Maximum Number of Buildings. There shall be no more than thirty (30)
44 Townhome Buildings and twenty-two (22) Courthome Buildings located upon the Real
45 Estate.
46

1 Section 7. Architectural Design Requirements:

- 2
- 3 A. Suitability of building materials: A minimum of four (4) materials shall be used
- 4 for Building exteriors, from the following list: brick, cast stone, stone, Hardi-
- 5 Plank, stucco, glass, wood soffits, and vinyl windows and/or the equivalents
- 6 thereof for all of the foregoing. The use of wood and Hardi-Plank shall be limited
- 7 to Trim and Siding.
- 8
- 9 B. Roof design: All Townhome roofs, except for open porch roofs, shall have a
- 10 minimum slope of 12 horizontal to 6 vertical. All Courthome roofs, except for
- 11 open porch roofs, shall have a minimum slope of 12 horizontal to 4 vertical.
- 12
- 13 C. Building rendering and elevations: Attached hereto and incorporated herein by
- 14 reference as Exhibit “B” and Exhibit “C” are a rendering and elevations, depicting
- 15 the building materials and architectural elements of the Townhomes and
- 16 Courthomes respectively, to be constructed upon the Real Estate.
- 17
- 18 D. Community mail box structure: Attached hereto and incorporated herein by
- 19 reference as Exhibit “D.03” is a rendering of the community mail box and master
- 20 mailbox plan as Exhibit “D.01”.
- 21

22 Section 8 Landscaping Requirements:

23

24 Section 8.1 Landscape Plan: The Landscape Plan shall consist of the landscape detail

25 depicted on the landscape plan which is attached hereto as Exhibit “D” (hereafter

26 “Landscape Plan”). Landscaping shall be installed per the Landscape Plan and will be in

27 conformance with Chapter 26.04.06 of the Carmel Zoning Ordinance as it relates to

28 Bufferyards.

29

30 Section 8.2 Landscaping Standards:

- 31
- 32 A. Materials: All plants proposed to be used in accordance with any
- 33 landscaping plan shall meet ANZI Z60-60.1-1996 and meet the following
- 34 specifications:
- 35
- 36 1. Shade trees: two and one-half inch (2½”) caliper, a minimum
- 37 height of eight (8) feet, and a branching height of not less than one-
- 38 third (1/3) nor more than one-half (1/2) of tree height.
- 39 2. Ornamental trees: one and one-half inch (1½”) caliper a minimum
- 40 height of six (6) feet, and a branching height of not less than one-
- 41 third (1/3) nor more than one-half (½) of tree height.
- 42 3. Evergreen Trees: A minimum height of eight (8) feet.
- 43 4. Deciduous Shrubs: A minimum height of twenty-four (24) inches,
- 44 and no less than six (6) main branches upon planting.
- 45

- 1 5. Evergreen Shrubs: A minimum height and spread of twenty-four
2 (24) inches.

3
4 Section 8.3 Landscaping Installation and Maintenance:

- 5
6 A. Maintenance: It shall be the responsibility of the owners and their agents
7 to insure proper maintenance of project landscaping and lake areas
8 approved in accordance with this Ordinance. This is to include, but is not
9 limited to, irrigation and mulching of planting areas, replacing dead,
10 diseased, or overgrown plantings with identical varieties or a suitable
11 substitute, and keeping the area free of refuse, debris, rank vegetation and
12 weeds.

13
14 Section 8.4 Bufferyards/Tree Preservation:

- 15
16 A. Tree Preservation will be implemented where possible but in the event that
17 tree preservation is not successful, landscape material will be installed
18 consistent with the Bufferyard Requirements Section 26.04.06 that will
19 consist of 3 shade trees, 4 ornamental trees and 21 shrubs per 100 linear
20 feet.

21
22 Section 9 Lighting Requirements and Park Benches:

23
24 Section 9.1.

- 25
26 A. Front of Townhome lighting:
27 1. Each Townhome having a covered porch at the front entrance shall
28 have one (1) downcast light fixture hanging from the ceiling of the
29 covered porch.
30 2. Each Townhome which does not have a covered porch at the front
31 entrance shall have two (2) downcast light fixtures mounted on
32 either side of the front door.
33
34 B. Rear of Townhome lighting: Each Townhome shall have one (1) exterior
35 grade downcast coach light mounted on either side of the overhead garage
36 door, each one activated by a dusk-to-dawn sensor.
37
38 C. Courthome lighting: Each Courthome shall have a minimum of one (1)
39 downcast light fixture at each entry door and shall have two (2) exterior
40 grade downcast coach lights mounted on either side of the overhead
41 garage door, each one activated by a dusk-to-dawn sensor.
42
43 D. Street Lighting: Attached hereto and incorporated herein by reference as
44 Exhibit "D.02" is a picture of the community street lighting fixtures and
45 master street lighting plan as Exhibit "D.01". All street lighting shall be
46 downcast fixtures/90 degree cut off.
47

- 1
2 E. Park Benches: Attached hereto and incorporated herein by reference as
3 Courtyard Bench Exhibit “G” is a picture of the community park bench
4 and master community bench plan as Exhibit “D.01”.
5
6

7 Section 10 Signs
8

9 Section 10.1. Ground Signs and Entry Wall.
10

- 11 A. Type: One (1) Ground/Entryway Sign shall be permitted near each
12 entrance to the development, as is depicted on Exhibit “F”, which is
13 attached hereto and incorporated herein by reference.
14
15 B. Maximum Sign Area: Thirty Six (36) square feet each.
16
17 C. Illumination of Sign: External.
18
19 D. Sign Permit: Required.
20
21 E. Fees: Required.
22
23

24 Section 11 Parking
25

26 Section 11.1 Parking: Each Townhome shall contain a two (2) car garage and each
27 Courthome shall have a two car garage, in addition, there shall be not less than seventy
28 (70) external parking spaces.
29
30

31 Section 12 Mechanical Equipment
32

33 Section 12.1 Mechanical Equipment: Any mechanical equipment visible from an
34 adjoining street or highway shall be screened with suitable fencing or landscaping and in
35 general be architecturally compatible with the building(s) with which it is associated.
36
37

38 Section 13 Homeowners Association and Declaration of Covenants
39

40 Section 13.1 Declaration of Covenants and Homeowners Association: A Declaration of
41 Covenants shall be recorded which shall also contain various provisions regarding the
42 Real Estate, including provisions for an initiation fee, a budget requirement to fund
43 general reserves, the use of the Real Estate, and improvement approval requirements after
44 initial construction. The Declaration of Covenants will also provide for the establishment
45 of a Homeowners Association in which membership shall be mandatory.
46

1 Section 14. Approval Process:

2
3 Section 14.1. Approval or Denial of the Primary Plat/Development Plan.

- 4
- 5 A. Exhibit “E”, which is attached hereto and incorporated herein by
- 6 reference, shall serve as the Conceptual Plan (the “CP”). The CP
- 7 constitutes the Development Plan and is a guideline for the primary plat
- 8 for the Real Estate. The architecture, design, lighting and landscaping for
- 9 the Real Estate and the improvements thereon, considered in connection
- 10 with the Ordinance, will require further (i) ADLS approval or (ii)
- 11 Development Plan/primary plat approval along with Final Development
- 12 Plan approval per the procedure set forth below in this Section 14. If there
- 13 is a Substantial Alteration in the approved ADLS and Development
- 14 Plan/primary plat, review and approval of the amended plans shall be
- 15 made by the Commission, or a Committee thereof, pursuant to the
- 16 Commission’s rules of procedure. Minor Alterations and Material
- 17 Alterations may be approved by the Director.
- 18
- 19 B. The Director shall have the sole and exclusive authority to approve
- 20 without conditions, approve with conditions, or disapprove the Final
- 21 Development Plans/Secondary Plats (collectively, the “FDP”) for
- 22 Aramare; provided, however, that the Director shall not unreasonably
- 23 withhold or delay the Director’s approval of the FDP that is in substantial
- 24 conformance with the CP and is in conformance with the Development
- 25 Requirements of this Ordinance. If the Director disapproves any FDP, the
- 26 Director shall set forth in writing the basis for the disapproval and
- 27 schedule the request for approval of the FDP for a hearing before the full
- 28 Plan Commission.
- 29
- 30 C. An amendment to the FDP, which is not determined by the Director to be
- 31 a substantial or material alteration from the approved CP, may be
- 32 reviewed and approved solely by the Director. However, in the event the
- 33 Director determines that there has been a Substantial Alteration or
- 34 Material Alteration between the approved CP and any proposed FDP, the
- 35 Director may, at the Director’s discretion, refer the amended FDP to the
- 36 Commission, or a Committee thereof, for review and approval by the
- 37 Commission and/or a Committee thereof.
- 38
- 39 D. The FDP shall be a specific plan for the development of all or a portion of
- 40 the real estate that is submitted for approval to the Director, which shall
- 41 include reasonable detail regarding the facility and structures to be
- 42 constructed, as well as drainage, erosion control, utilities, and building
- 43 information.
- 44
- 45
- 46

1 Section 15 Definitions and Rules of Construction:

2
3 Section 15.1 General Rules of Construction. The following general rules of construction
4 and definitions shall apply to the regulations of this Ordinance:

- 5
6 A. The singular number includes the plural and the plural the singular, unless
7 the context clearly indicates the contrary.
8
9 B. Words used in the present tense include the past and future tenses, and the
10 future the present.
11
12 C. The word “shall” is a mandatory requirement. The word “may” is a
13 permissive requirement. *The word “should” is a preferred requirement.*

14
15 Section 15.2 Definitions.

- 16
17 A. Accessory Structure: A structure subordinate to a building or use located
18 on the Real Estate which is not used for permanent human occupancy.
19
20 B. Accessory Use: A use subordinate to the main use, located on the Real
21 Estate or in the same building as the main use, and incidental to the main
22 use.
23
24 C. Building Height: The vertical distance when measuring from the first
25 finished floor elevation to the mean height between eaves and ridges.
26
27 D. City: The City of Carmel, Indiana.
28
29 E. Commission: The Carmel/Clay Plan Commission.
30
31 F. Conceptual Plan. A general plan for the development of the Real Estate
32 that is submitted for approval showing proposed facilities, buildings, and
33 structures. This plan generally shows landscape areas, parking areas, site
34 access, drainage features, and building locations.
35
36 G. Condominiums: A residential living unit or units as defined in and
37 governed by the Indiana Code, Sections 32-25-1 to 32-25-9-2, inclusive.
38
39 H. Council: The City Council of the City of Carmel, Indiana.
40
41 I. County: Hamilton County, Indiana.
42
43 J. Declaration of Covenants: A Declaration of Covenants, Conditions and
44 Restrictions for the Real Estate which shall be recorded in the office of the
45 Recorder of Hamilton County, Indiana, and which may, from time to time,
46 be amended.

- 1
2 K. Developer: Pittman Partners, Inc. and its successors and assigns or any
3 person and/or entity engaged in development of one or more phases and/or
4 sections of the development.
5
- 6 L. Development Requirements: Development standards and any
7 requirements specified in this Ordinance which must be satisfied in
8 connection with the approval of a Final Development Plan.
9
- 10 M. Director: Director, or Administrator, of the Department of Community
11 Services for the City of Carmel, Indiana. "Director" and "Administrator"
12 shall include his/her authorized representatives.
13
- 14 N. Final Development Plan. A specific plan for the development of the Real
15 Estate that is submitted for approval showing proposed facilities,
16 buildings, and structures. This plan review includes general landscaping,
17 parking, drainage, erosion control, signage, lighting, screening and
18 building information for the site.
19
- 20 O. Material Alteration: Any change to an approved plan of any type that
21 involves the substitution of one material, species, element, etc. for another.
22
- 23 P. Minor Alteration: Any change to an approved plan of any type that
24 involves the revision of less than ten percent (10%) of the plan's total area
25 or approved materials and can not include a change in architectural
26 requirements, decrease in open space or amenities, elimination of required
27 plantings, or the addition of living units.
28
- 29 Q. Parcel Coverage: The total ground area, within the Real Estate, covered
30 by buildings and accessory structures which are greater than eighteen (18)
31 inches above grade level, excluding fences and walls not attached in any
32 way to a roof, divided by the total horizontal area within the Real Estate
33 boundaries.
34
- 35 R. Real Estate: The Real Estate shall mean and refer to all of the Real Estate
36 described in Exhibit "A".
37
- 38 S. Right-of-Way: An area of land permanently dedicated to provide light, air
39 and access.
40
- 41 T. Set Back: The least measured distance between a building or structure,
42 excluding, however, porches, patios, and the perimeter boundary of the
43 Real Estate. For purposes of determining Set Back, the perimeter
44 boundary of the Real Estate (i) shall always mean and refer to the outside
45 perimeter boundary line of the Real Estate and (ii) shall not be changed or
46 reduced by reason of the platting or subdivision of the Real Estate into
47 smaller parcels.

- 1
2 U. Sign: Any type of sign as further defined and regulated by this Ordinance
3 and the Sign Ordinance for Carmel-Clay Township, Ordinance Z-196, as
4 amended.
5
6 V. Substantial Alteration: Any change to an approved plan of any type that
7 involves the revision of ten percent (10%) or more of the plan's total area
8 or approved materials.
9
10 W. Townhome: An attached townhome intended for occupancy by a single
11 family.
12
13 X. Townhome Building: A structure containing Townhomes.
14
15 Y. Courthome: An attached condominium intended for occupancy by a single
16 family.
17
18 Z. Courthome Building: A structure containing Courthomes.
19
20 AA. Trim: Soffits, architraves, wood reveals, and casement around doors and
21 windows.
22
23

24 Section 16. Violations. All violations of this Ordinance shall be subject to Section 34.0
25 of the Carmel/Clay Zoning Ordinance.
26
27
28

29 **PASSED** by the Common Council of the City of Carmel, Indiana this ____ day of
30 _____, 2006, by a vote of _____ ayes and _____ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2
3
4
5 _____
6 Presiding Officer

_____ Joseph C. Griffiths

7
8
9 _____
10 Richard L. Sharp, President Pro Tempore

_____ Kevin Kirby

11
12
13 _____
14 Ronald E. Carter

_____ Brian D. Mayo

15
16
17 _____
18 Fredrick J. Glaser

_____ Mark Rattermann

19 ATTEST:

20
21
22 _____
23 Diana L. Cordray, IAMC, Clerk Treasurer

24
25 Presented by me to the Mayor of the City of Carmel, Indiana the _____ day of
26 _____, 2006, at _____ o'clock ____M.

27
28
29
30 _____
31 Diana L. Cordray, IAMC, Clerk Treasurer

32
33 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of
34 _____, 2006, at _____ o'clock ____M.

35
36
37 _____
38 James Brainard, Mayor

39
40 ATTEST:

41
42 _____
43 Diana L. Cordray, IAMC, Clerk Treasurer

44
45 This Instrument prepared by: Steve Pittman, Pittman Partners, Inc. PO Box 554, Carmel, IN
46 46082.

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ORDINANCE D – 1821-06

**AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF CARMEL, INDIANA
VACATING A PORTION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, Pedcor Residential, LLC (“Petitioner”), has submitted a petition to the City of Carmel, Indiana, pursuant to Indiana Code §36-7-3-12(b) requesting the vacation of a portion of public way commonly known as the Rangeline Road and Main Street, which is located entirely within the corporate boundaries of the City of Carmel, Indiana (the “Proposed Ordinance”); and,

WHEREAS, in the manner prescribed by Indiana Code §36-7-3-12-(c), the Clerk-Treasurer of the City of Carmel, Indiana, gave notice of the Proposed Ordinance and of the time and place of the public hearing on the Proposed Ordinance; and

WHEREAS, a public hearing on the Proposed Ordinance was held by the Common Council of the City of Carmel, Indiana (the “Council”), the ____ day of _____, 2006, and following the presentation of evidence at said hearing, the Council now finds as follows:

- (a) Petitioner intends to develop the real estate abutting the public right-of-way to be vacated. The vacation of the portion of right-of-way at Rangeline Road and Main Street, more particularly described in the Petition attached hereto as Exhibit A, will facilitate the redevelopment of this parcel.
- (b) Petitioner is the sole owner of the real estate abutting the public right-of-way to be vacated.
- (c) The City of Carmel Board of Public Works and Safety recommended approval of the petition to vacate the portion of the public right-of-way of Rangeline Road and Main Street on July 5, 2006.
- (d) No evidence of probative value was presented at the public hearing held regarding the proposed vacation that was in opposition to same.
- (e) It has been demonstrated by a preponderance of the evidence that the vacation of a portion of this right-of-way is in the best interests of the public.
- (f) The portion of public right-of-way at Rangeline Road and Main Street, as identified hereinabove, should be vacated.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

1. Pursuant to Indiana Code §36-7-3-12, those portions of the rights-of-way commonly known as Rangeline Road and Main Street, as are located in Carmel, Indiana and identified in this Ordinance, are hereby vacated as

1 public right-of-way and title to such vacated right-of-way hereby reverts
2 to, and is vested in, the owner of the real estate abutting said rights-of-
3 way.

4 2. This Ordinance shall be in full force and effect from and after the date of its
5 passage, signing by the Mayor and such publication as is required by law.

6 PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of
7 _____, 2006, by a vote of ____ ayes and _____ nays.

8
9 **COMMON COUNCIL FOR THE CITY OF CARMEL**

10 _____
11 James Brainard, Presiding Officer Joseph C. Griffiths

12
13 _____
14 Richard L. Sharp, President Pro Tempore Kevin Kirby

15
16 _____
17 Ronald E. Carter Brian D. Mayo

18
19 _____
20 Frederick J. Glaser Mark Rattermann

21
22 ATTEST:
23
24 _____
25 Diana L. Cordray, IAMC, Clerk-Treasurer
26

1 Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____,
2 2006 at _____ .m.
3

4 _____
5 Diana L. Cordray, IAMC, Clerk-Treasurer
6

7 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____,
8 2006 at __:__ P.M.
9

10 _____
11 James Brainard, Mayor
12

13 ATTEST:
14
15

16 _____
17 Diana L. Cordray, IAMC, Clerk Treasurer
18

19 This instrument prepared by:

20 Ron Brown, Esq.
21 Pedcor Bancorp
22 770 3rd Avenue SW
23 Carmel, IN 46032
24 (317) 705-7903
25
26
27
28

29 I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social
30 Security number in this document, unless required by law.
31

32 Ron Brown
33

EXHIBIT A

PETITION TO VACATE A PUBLIC WAY
LOCATED ENTIRELY WITHIN
THE CORPORATE BOUNDARIES OF CARMEL, INDIANA

1. Pedcor Residential, LLC, an Indiana limited liability company, ("Petitioner"), pursuant to Indiana Code §36-7-3-12, does hereby respectfully petition the Common Council of the City of Carmel, Indiana, for the vacation of the existing Public Way of Rangeline Road and Main Street located entirely within the corporate boundaries of Carmel, Indiana, as is particularly described below and in the exhibits attached hereto and made a part hereof.
2. The Public Way being vacated is more particularly described in Exhibit "A" hereto and depicted in Exhibit "B" hereto, which are incorporated herein by this reference.
3. In support of this petition, the Petitioner submits the following:

"The Petitioner submits this petition pursuant to Indiana Code §36-7-3-12 to respectfully request that the Common Council of the City of Carmel, Indiana vacate those portions of existing Public Right of Way described and depicted in Exhibits "A" and "B", respectively. The Petitioner makes this request to satisfy its obligations to the Carmel Redevelopment Commission ("CRC"), to develop a live/work development (6-units) ("Phase I Old Town Shops") at the corners of Rangeline Road and Main Street in the City of Carmel, Indiana.

The CRC and the Petitioner entered into a certain Project Agreement ("Project Agreement") dated April 14, 2005, pursuant to which the Petitioner agreed to develop the Phase I Old Town Shops in collaboration with the CRC. Petitioner is constructing Phase I Old Town Shops pursuant to plans and specifications for the Phase I Old Town Shops that were developed by CRC and Petitioner under the terms and conditions of the Project Agreement ("CRC Approved-Plans"). The CRC Approved-Plans approved the construction of building in the areas within the Public Right of Way described above. The Petitioner respectfully requests that the Common Council of the City of Carmel, Indiana vacate the areas of Public Right of Way that are the subject of this petition. This will allow the Petitioner to continue construction of the approved-buildings within those areas of the Public Right of Way pursuant to the CRC Approved-Plans."

4. The following are the names and addresses of the owners of land which abut the property proposed to be vacated:

Pedcor Residential, LLC One Pedcor Square, 770 3rd Avenue S.W., Carmel, IN 46032

WHEREFORE, the Petitioner respectfully requests the vacation of the above described Public Way.

Pedcor Residential, LLC

Signature

Printed Name

Date

State of Indiana)
)SS:
County of Hamilton)

Before me, a Notary Public in and for said County and State, personally appeared Ron Brown, and acknowledged the execution of the foregoing "Petition to Vacate a Public Way" as his/her voluntary act and deed.

WITNESS my hand and Notarial Seal this 26th day of June, 2006.

Notary Public

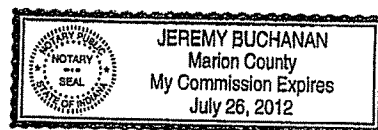
(Printed Signature)

My Commission Expires:

7-26-2012

My County of Residence:

Marion



Recommended for Approval to the Common Council of the City of Carmel, Indiana, this
_____ day of _____, 200__.

CITY OF CARMEL, INDIANA
Board of Public Works and Safety

By:

James Brainard, Mayor

Lori Watson, Member

Mary Ann Burke, Member

Attest:

Diana Cordray, Clerk-Treasurer

Date: _____

EXHIBIT "A"

LAND DESCRIPTION Encroachments Main Street & Rangeline Road

"Parking Area"

A part of the Southwest Quarter of Section 30, Township 18 North, Range 4 East, of the Second Principal Meridian, Hamilton County, Indiana, also being a part of Lot 6 in the Town of Bethlehem (now Carmel), as per plat thereof, recorded in Deed Book E, page 512 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of said Section 30, Township 18 North, Range 4 East; thence North 89 degrees 44 minutes 59 seconds East (assuming the West Line of said Southwest Quarter to be North 00 degrees 00 minutes 00 seconds East) 34.44 feet along the North Line of said Southwest Quarter to the northerly projection of the eastern line of a 0.012-acre tract of land granted to the City of Carmel, Board of Public Works and Safety ("Works and Safety tract") (recorded as Instrument Number 200500047125 in said Recorder's Office); thence South 00 degrees 15 minutes 01 second East 35.30 feet along said northerly projection to a common corner of said Works and Safety tract and the northwestern corner of a 0.392-acre tract of land granted to Pedcor Residential, LLC ("Grantor") (recorded as Instrument Number 200500053142 in said Recorder's Office); thence continue South 00 degrees 15 minutes 01 second East 112.00 feet along a common line of said Works and Safety tract and said Grantor to the southwestern corner of said Grantor; thence North 89 degrees 44 minutes 59 seconds East 86.30 feet along the southern line of said Grantor to the POINT OF BEGINNING of this description; thence North 89 degrees 44 minutes 59 seconds East 66.00 feet along said southern line to the southeastern corner thereof; thence South 00 degrees 15 minutes 01 seconds East 7.50 feet along the southerly projection of the eastern line of said Grantor; thence South 89 degrees 44 minutes 59 seconds West 66.00 feet parallel with the southern line of said Grantor; thence North 00 degrees 15 minutes 01 seconds West 7.50 feet parallel with the eastern line of said Grantor to the POINT OF BEGINNING, containing 495.0 square feet (0.011 acres), more or less.

"Balcony Area A & B Unit A201 Floor 2"

A part of the Southwest Quarter of Section 30, Township 18 North, Range 4 East, of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of said Section 30, Township 18 North, Range 4 East; thence North 89 degrees 44 minutes 59 seconds East (assuming the West Line of said Southwest Quarter to be North 00 degrees 00 minutes 00 seconds East) 34.44 feet along the North Line of said Southwest Quarter to the northerly projection of the eastern line of a 0.012-acre tract of land granted to the City of Carmel, Board of Public Works and Safety ("Works and Safety tract") (recorded as Instrument Number 200500047125 in said Recorder's Office); thence South 00 degrees 15 minutes 01 second East 35.30 feet along said northerly projection to a common corner of said Works and Safety tract and the northwestern corner of a 0.392-acre tract of land granted to Pedcor Residential, LLC ("Grantor") (recorded as Instrument Number 200500053142 in said Recorder's Office); thence North 89 degrees 44 minutes 59 seconds East 127.45 feet along a common line of said Works and Safety tract and said Grantor to the POINT OF BEGINNING of this description (the following three (3) courses are parallel with or perpendicular to said common line); (one) thence North 00 degrees 15 minutes 01 second West 4.80 feet; (two) thence North 89 degrees 44 minutes 59 seconds East 9.40 feet; (three) thence South 00 degrees 15 minutes 01 second East 4.80 feet to a point hereinafter referred to as point "A" and said common line; thence South 89 degrees 44 minutes 59 seconds West 9.40 feet along said common line to the POINT OF BEGINNING, containing 45.1 square feet (0.001 acres), more or less.

ALSO:

Commencing at said point "A"; North 89 degrees 44 minutes 59 seconds East 3.80 feet along said common line to the POINT OF BEGINNING of this description; thence North 44 degrees 44 minutes 59 seconds East 6.52 feet; thence North 89 degrees 44 minutes 59 seconds East 5.30 feet parallel with said common line; thence South 45 degrees 15 minutes 01 second East 2.47 feet to the northerly projection of the eastern line of said Grantor; thence South 00 degrees 15 minutes 01 second East 2.86 feet along said northerly projection to the northeastern corner of said Grantor, said point being on said common line; thence South 89 degrees 44 minutes 59 seconds West 11.66 feet along said common line to the POINT OF BEGINNING, containing 41.6 square feet (0.001 acres), more or less.

Containing in all 86.7 square feet (0.002 acres), more or less.

"Balcony Area Unit B203 Floor 2"

A part of the Southwest Quarter of Section 30, Township 18 North, Range 4 East, of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of said Section 30, Township 18 North, Range 4 East; thence North 89 degrees 44 minutes 59 seconds East (assuming the West Line of said Southwest Quarter to be North 00 degrees 00 minutes 00 seconds East) 34.44 feet along the North Line of said Southwest Quarter to the northerly projection of the eastern line of a 0.012-acre tract of land granted to the City of Carmel, Board of Public Works and Safety ("Works and Safety tract") (recorded as Instrument Number 200500047125 in said Recorder's Office); thence South 00 degrees 15 minutes 01 second East 35.30 feet along said northerly projection to a common corner of said Works and Safety tract and the northwestern corner of a 0.392-acre tract of land granted to Pedcor Residential, LLC ("Grantor") (recorded as Instrument Number 200500053142 in said Recorder's Office); thence North 89 degrees 44 minutes 59 seconds East 100.78 feet along a common line of said Works and Safety tract and said Grantor to the POINT OF BEGINNING of this description (the following three (3) courses are parallel with or perpendicular to said common line); (one) thence North 00 degrees 15 minutes 01 second West 5.08 feet; (two) thence North 89 degrees 44 minutes 59 seconds East 26.67 feet; (three) thence South 00 degrees 15 minutes 01 second East 5.08 feet to said common line; thence South 89 degrees 44 minutes 59 seconds West 26.67 feet along said common line to the POINT OF BEGINNING, containing 135.5 square feet (0.003 acres), more or less.

"Balcony Area Unit C204 Floor 2"

A part of the Southwest Quarter of Section 30, Township 18 North, Range 4 East, of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of said Section 30, Township 18 North, Range 4 East; thence North 89 degrees 44 minutes 59 seconds East (assuming the West Line of said Southwest Quarter to be North 00 degrees 00 minutes 00 seconds East) 34.44 feet along the North Line of said Southwest Quarter to the northerly projection of the eastern line of a 0.012-acre tract of land granted to the City of Carmel, Board of Public Works and Safety ("Works and Safety tract") (recorded as Instrument Number 200500047125 in said Recorder's Office); thence South 00 degrees 15 minutes 01 second East 35.30 feet along said northerly projection to a common corner of said Works and Safety tract and the northwestern corner of a 0.392-acre tract of land granted to Pedcor Residential, LLC ("Grantor") (recorded as Instrument Number 200500053142 in said Recorder's Office); thence North 89 degrees 44 minutes 59 seconds East 83.99 feet along a common line of said Works and Safety tract and said Grantor to the POINT OF BEGINNING of this description (the following three (3) courses are parallel with or perpendicular to said common line); (one) thence North 00 degrees 15 minutes 01 second West 4.40 feet; (two) thence North 89 degrees 44 minutes 59 seconds East 9.76 feet; (three) thence South 00 degrees 15 minutes 01 second East 4.40 feet to said common line; thence South 89 degrees 44 minutes 59 seconds West 9.76 feet along said common line to the POINT OF BEGINNING, containing 42.9 square feet (0.001 acres), more or less.

"Balcony Area Unit D206 Floor 2"

A part of the Southwest Quarter of Section 30, Township 18 North, Range 4 East, of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of said Section 30, Township 18 North, Range 4 East; thence North 89 degrees 44 minutes 59 seconds East (assuming the West Line of said Southwest Quarter to be North 00 degrees 00 minutes 00 seconds East) 34.44 feet along the North Line of said Southwest Quarter to the northerly projection of the eastern line of a 0.012-acre tract of land granted to the City of Carmel, Board of Public Works and Safety ("Works and Safety tract") (recorded as Instrument Number 200500047125 in said Recorder's Office); thence South 00 degrees 15 minutes 01 second East 35.30 feet along said northerly projection to a common corner of said Works and Safety tract and the northwestern corner of a 0.392-acre tract of land granted to Pedcor Residential, LLC ("Grantor") (recorded as Instrument Number 200500053142 in said Recorder's Office); thence North 89 degrees 44 minutes 59 seconds East 50.12 feet along a common line of said Works and Safety tract and said Grantor to the POINT OF BEGINNING of this description (the following three (3) courses are parallel with or perpendicular to said common line); (one) thence North 00 degrees 15 minutes 01 second West 4.52 feet; (two) thence North 89 degrees 44 minutes 59 seconds East 26.67 feet; (three) thence South 00 degrees 15 minutes 01 second East 4.52 feet to said common line; thence South 89 degrees 44 minutes 59 seconds West 26.67 feet along said common line to the POINT OF BEGINNING, containing 120.6 square feet (0.003 acres), more or less.

"Turret Area"

A part of the Southwest Quarter of Section 30, Township 18 North, Range 4 East, of the Second Principal Meridian, Hamilton County, Indiana, also being a part of Lot 5 in the Town of Bethlehem (now Carmel), as per plat thereof, recorded in Deed Book E, page 512 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of said Section 30, Township 18 North, Range 4 East; thence North 89 degrees 44 minutes 59 seconds East (assuming the West Line of said Southwest Quarter to be North 00 degrees 00 minutes 00 seconds East) 34.44 feet along the North Line of said Southwest Quarter to the northerly projection of the eastern line of a 0.012-acre tract of land granted to the City of Carmel, Board of Public Works and Safety ("Works and Safety tract") (recorded as Instrument Number 200500047125 in said Recorder's Office); thence South 00 degrees 15 minutes 01 second East 35.30 feet along said northerly projection to a common corner of said Works and Safety tract and the northwestern corner of a 0.392-acre tract of land granted to Pedcor Residential, LLC ("Grantor") (recorded as Instrument Number 200500053142 in said Recorder's Office), said corner being the POINT OF BEGINNING of this description; thence North 89 degrees 44 minutes 59 seconds East 8.98 feet along a common line of said Works and Safety tract and the Grantor to the point of curvature of a non-tangent curve concave to the west, said point lying North 89 degrees 52 minutes 56 seconds East 9.00 feet from the radius point thereof; thence northerly, northwesterly, westerly, southwesterly, southerly, southeasterly and easterly along said curve 42.45 feet to a point lying South 00 degrees 22 minutes 59 seconds East 9.00 feet from the radius point thereof and on a common line of said Works and Safety tract and the Grantor; thence North 00 degrees 15 minutes 01 second West 8.98 feet along said common line to the POINT OF BEGINNING, containing 191.2 square feet (0.004 acres), more or less.

ORDINANCE D-1824-06**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 8, ARTICLE 9, SECTION 8-120 OF THE CARMEL CITY CODE,
ESTABLISHING CERTAIN STOP AND YIELD SIGNS**

WHEREAS, the Common Council of the City of Carmel, Indiana, has the authority to establish stop and yield intersections pursuant to Carmel City Code Chapter 8, Article 4, Section 8-30(a), which stop and yield intersections are listed on "Schedule A", which has been codified as City Code Section 8-120; and

WHEREAS, an engineering and traffic investigation has determined that certain additional stop intersections are necessary and warranted within the City; and

WHEREAS, upon the recommendation of the Director of the City's Street Department, the Common Council desires to amend "Schedule A" to create certain a new four-way stop intersection; and

WHEREAS, the Common Council now desires to add additional stop intersections to Chapter 8, Article 4, Section 8-30 of the Carmel City Code, such intersections to be listed in Chapter 8, Article 9, Section 8-120 of the Carmel City Code.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The following shall be added to Chapter 8, Article 9, Section 8-120, to-wit:

<u>STREET NAME</u>	<u>DIRECTION OF TRAVEL</u>	<u>SIGN</u>	<u>INTERSECTING STREET</u>
Adios Pass	East	4-way stop	Parkview Road/Parkview Court
Adios Pass	West	4-way stop	Parkview Road/Parkview Court
Parkview Road	South	4-way stop	Adios Pass
Parkview Court	North	4-way stop	Adios Pass

Section 3. The remaining provisions of Carmel City Code Sections 8-120 and 8-30 are not affected by this Ordinance and shall remain in full force and effect.

Section 4. The Carmel Street Department is directed to promptly prepare and post appropriate signage to fulfill the mandates contained in this Ordinance upon its passage.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 6. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 7. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor, and publication as required by law.

PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____, 2006 by a vote of ____ ayes and ____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006,
at _____ O'clock, ____ M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____
2006, at _____ O'clock, ____ M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1824-06

Page Two of Two Pages

ORDINANCE D-1825-06

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
ADOPTING AND ADDING CHAPTER 8, ARTICLE 5, SECTION 8-49
OF THE CARMEL CITY CODE**

WHEREAS, the Common Council is authorized and empowered to regulate vehicular parking within the City's corporate limits; and

WHEREAS, it is in the best interests of public safety and welfare to limit street parking in front of Veterans' Plaza.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 8, Article 5, Section 8-49 of the Carmel City Code should be and the same is hereby adopted and shall read as follows:

"Sect. 8-49 Thirty Minute Parking.

a. No person shall stand or park any vehicle for a continuous period of time in excess of thirty (30) minutes on the following City streets:

(1) In any parking space located in front of Veterans' Plaza on the west side of 3rd Avenue SW between its intersection with City Center Drive and its intersection with American Way North.

b. {Reserved}"

Section 3. The Carmel Street Department shall post appropriate signs and markings on the above-described public street.

Section 4. The remaining provisions of Carmel City Code Chapter 8, Article 5, are not affected by this Ordinance and remain in full force and effect.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Page One of Two Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on August 7, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

Section 6. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor pursuant to Indiana law.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____, 2006, at _____ O'clock, _____. M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, _____. M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1825.06

Page Two of Two Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on August 7, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

RESOLUTION CC-08-21-06-02

**RESOLUTION (“RESOLUTION”) OF THE COMMON COUNCIL OF
THE CITY OF CARMEL, INDIANA DESIGNATING BLOCK SEVEN
IN THE CARMEL SCIENCE & TECHNOLOGY PARK
AS AN ECONOMIC REVITALIZATION AREA**

WHEREAS, I.C. 6-1.1-12.1-4 authorizes partial abatement of real property taxes attributable to the improvements made to real estate; and

WHEREAS, I.C. 6-1.1-12.1-2.5 empowers the Common Council of the City of Carmel, Indiana (the “Council”) to designate an area as an Economic Revitalization Area (“ERA”), determine the duration of the abatement period(s) for such property and impose other reasonable conditions; and

WHEREAS, a Designation Application (as defined in I.C. 6-1.1-12.1-1) has heretofore been filed with the Council by Lauth Property Group (“the Developer”) on behalf of the Midwest Independent Transmission System Operator, Inc. (“the Company”), and such Designation Application requests that the real estate located in Carmel, Indiana and legally described therein (the “Site”) be designated as an ERA; and

WHEREAS, the Developer will lease space to the Company for its corporate headquarters, provided that the Developer is able to obtain real property tax deductions as authorized by I.C. 6-1.1-12.1-4; and

WHEREAS, the Developer seeks to have the Council authorize real property tax deductions in connection with the qualifying investment related to real estate improvements for the Company’s corporate headquarters facility in Carmel, Indiana; and

WHEREAS, the Council has reviewed such Designation Application together with the Developer’s Statement of Benefits (Form SB-1) and now desires to take actions hereinafter set forth.

NOW, THEREFORE, based upon a review of the Designation Application and Statement of Benefits (Form SB-1) heretofore filed by the Developer, the Council hereby makes the following findings:

FINDING 1. The Site is or has become undesirable for normal development due to the following economic conditions:

- (a) The Site has been vacant for a period of more than ten (10) years;
- (b) The Site and building are zoned for and generally suitable for use as an office development; however, there is lack of demand for office space in the geographic area where the Site is located due to the economic conditions currently present (the “Corridor”);
- (c) The Site is located in an area where there is evidence of an oversupply of office space in the Corridor;

- 1 (d) The Developer's proposed development of a portion of the site as
2 office space for the Company is consistent with the site's existing
3 zoning and represents a superior use for the site, and;
4
5 (e) The Developer's plans to make real estate improvements will
6 result in a significant addition to the Corridor's overall assessed
7 property value within an accelerated time period.
8

9 FINDING 2. The proposed redevelopment of the Site by the Developer meets the
10 parameters set forth in Council Resolution No. CC-02-05-01-02.
11

12 FINDING 3. The estimate of the cost and assessed value of the Developer's proposed
13 development of the Site is reasonable for projects of a similar nature.
14

15 FINDING 4. The estimate of the number of individuals who will be employed (i.e.,
16 approximately 325 full time employees over the initial five-year period)
17 by the Company in the new building is reasonable based upon the size of
18 the Site.
19

20 FINDING 5. The estimate of the annual salaries (i.e., average of \$80,000 per annum) of
21 those individuals who will be employed by the Company in the new
22 building can be reasonably expected for a corporate headquarters facility.
23

24 FINDING 6. Other benefits that can be reasonably expected to result from the
25 Developer's proposed development of the Site.
26

27 FINDING 7. The totality of benefits is sufficient to justify real property tax deductions
28 herein described.
29

30 **NOW, THEREFORE, BE IT RESOLVED THAT**, a legal description of the
31 previously declared ERA has been attached hereto as Exhibit A.

32 **BE IT FURTHER RESOLVED THAT**, the Site is hereby declared an ERA for
33 purposes of granting real property tax abatement in support of the Company's corporate
34 headquarters facility.

35 **BE IT FURTHER RESOLVED THAT**, the number of years for which the Developer is
36 entitled to a deduction for investments made in real estate improvements pursuant to I.C. 6-1.1-
37 12.1-4 shall be ten (10).

38 **BE IT FURTHER RESOLVED THAT**, the Carmel City Council shall have the right to
39 reduce the length of and/or end the economic revitalization area designation period granted for
40 the site should the Developer and/or Company not fulfill commitments made to the city of
41 Carmel regarding the amount of capital investment, job creation/retention and average annual
42 salary levels.

43 **BE IT FURTHER RESOLVED THAT**, in the event the Developer and/or Company is
44 sold to a new owner, the new owner of the Developer and/or Company shall appear before the
45 Carmel City Council within 90 days of closing on the purchase of the Developer and/or

1 Company to present information regarding the plans for the Developer's building and/or
2 Company's operations in the city of Carmel.

3 **BE IT FURTHER RESOLVED THAT**, the deductions authorized herein are
4 contingent upon the designation of the ERA prior to the commencement of construction of the
5 real estate improvements.

6 **BE IT FURTHER RESOLVED THAT**, if the Site is located in an allocation area (as
7 defined in I.C. 36-7-14-39 or I.C. 36-7-15.1-26), an application for the property tax deductions
8 approved herein shall also be subject to the approval of the commission that designated the
9 allocation area as required under I.C. 6-1.1-12.1-4.

10 **BE IT FURTHER RESOLVED THAT**, this Resolution shall be filed with the
11 Hamilton County Assessor as required by I.C. 6-1.1-12.1-4.

12 **BE IT FINALLY RESOLVED THAT** notice of the adoption of and the substance of
13 this Resolution shall be published in accordance with I.C. 5-3-1 and that such notice shall be in
14 the form attached hereto and incorporated herein as Exhibit B.

15 Adopted by the Common Council of the City of Carmel, Indiana this ____ day of
16 _____, 2006, by a vote of ____ ayes and ____ nays.

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1 **COMMON COUNCIL OF THE CITY OF CARMEL**
2

3
4 _____
5 Presiding Officer

Joseph C. Griffiths

6
7 _____
8 Richard L. Sharp, President Pro Tempore

Kevin Kirby

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10 _____
11 Ronald E. Carter

Brian D. Mayo

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13 _____
14 Fredrick J. Glaser

Mark Rattermann

15 ATTEST:
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18 _____
19 Diana L. Cordray, IAMC, Clerk-Treasurer
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21

22 Presented by me to the Mayor of the city of Carmel, Indiana this ____ day of
23 ____ 2006, at ____ .m.

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25 _____
26 Diana L. Cordray, IAMC
27

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29 Approved by me, Mayor of the City of Carmel, Indiana this ____ day of
30 ____ 2006, at ____ .m.

31
32 _____
33 James Brainard, Mayor
34

35 ATTEST:
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38 _____
39 Diana L. Cordray, IAMC, Clerk-Treasurer
40

41 Prepared by: Larry Gigerich, Managing Director
42 Ginovus
43 8888 Keystone Crossing
44 Suite 1450
45 Indianapolis, Indiana 46240
46 317/819-0890 (telephone)
47 317/819-0888 (facsimile)
48 Larry@Ginovus.com (e-mail)